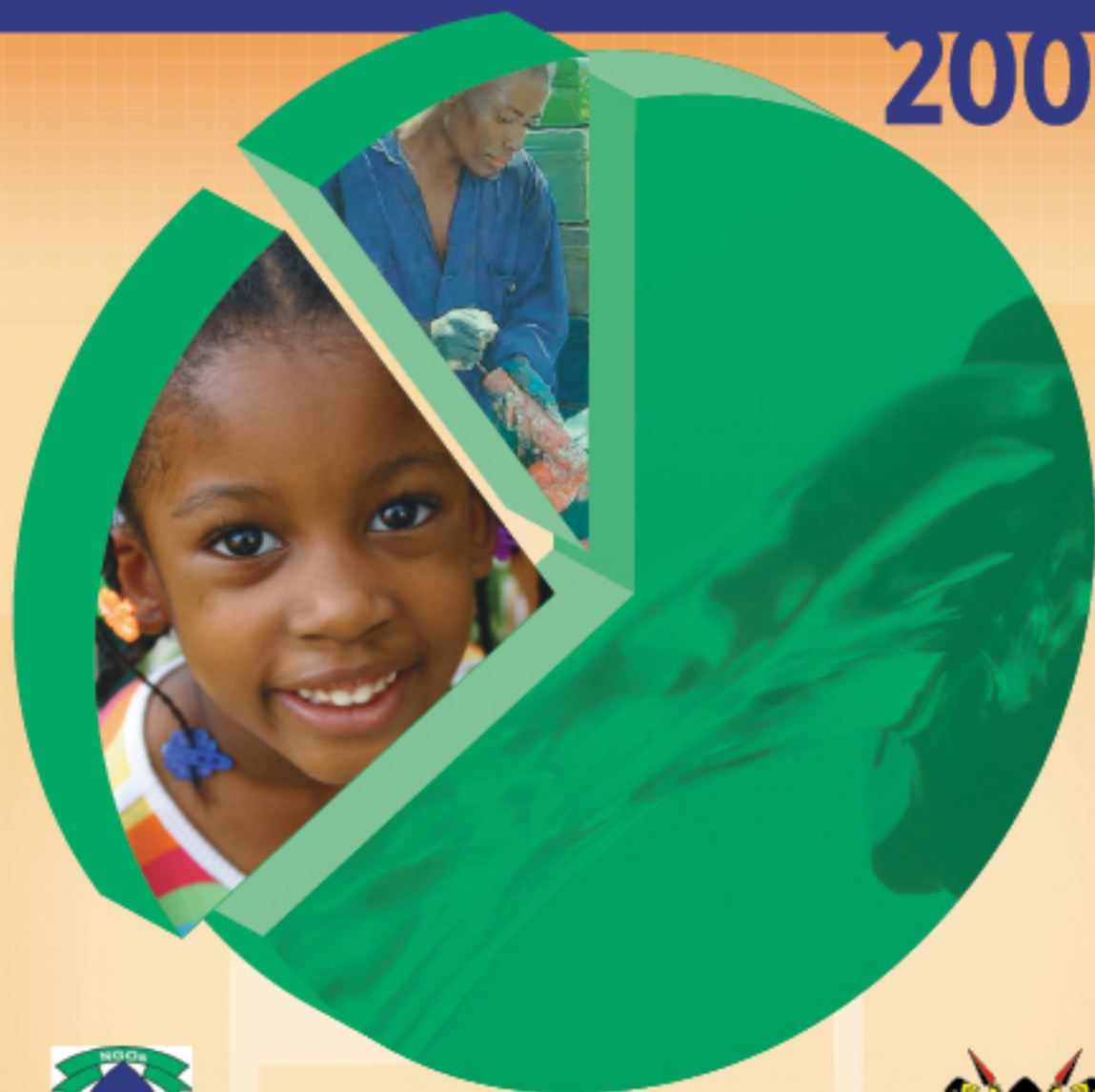


NGOs Co-ordination Board

Report on the National Validation Survey of NGOs

2009



National Survey of NGOs Report

2009

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REPORT ON THE NATIONAL VALIDATION SURVEY OF NGOS

FOREWORD

One of the Board's mandate is to review the register of NGOs on a regular basis to determine consistency with the reports submitted by them. The Board conducted nationwide survey of NGOs in 2007 and 2008. The data from the survey would enable the Board to advise the Government further on NGOs' activities and their role and contribution to development in Kenya.

The survey revealed that charitable activities are deeply embedded in communities and respond to some common concerns that cannot be adequately addressed by individual families or Government. On the other hand, most countries have evolved from centrally planned economies to market-oriented economies requiring fundamental modifications of all stages of development policies, implementation, and administration. In this changing environment, there has been a tremendous growth in the number of NGOs in the country, some of them established to respond to this new reality. Therefore, development strategies in the NGO sector must take into consideration the political and economic realities that exist today.

While the Government development blue print Vision 2030 targets high quality life for the citizens, it is apparent that it can no longer sufficiently fund or respond to the demands of all its citizens. Therefore, the Sector plays a complementary role in providing services and essential facilities to deserving or underserved regions thereby contributing to realization of the social and economic pillars of Vision 2030. Although NGOs are strategic in their approaches to societal needs, this has not been without challenges as they continue to face institutional, financial and programme sustainability problems. Compliance with regulatory and statutory requirements is also low and most NGOs do not hold annual general meetings and elections according to their constitutions. The survey findings have provided useful information and insights that the Board has utilised in enabling legal and regulatory framework for NGOs with a view to ensuring efficiency and effectiveness in the sector.



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Glossary Of Abbreviations

AAC-Area Advisory Council
AU- African Union
CACCs-Constituency Aids Co-ordinating Committees
CBOs-Community Based Organizations
CDF- Constituency Development Fund
CSOs-Civil Society Organizations
DACC- District Aids Co-ordinating Committee
DC- District Commissioner
DDOs- District Development Officers
DO- District Officer
KES- Kenya Shillings
LASDAP- Local Authority Service Delivery Action Plan
LDI-Local Development Initiative
NGOs -Non Governmental Organizations
RC- Regional Co-ordinator
SPSS- Statistical Package for Social Scientists
TC- Technical Co-ordinator
UN- United Nations

Preface

The last decade has witnessed -substantial growth in the number of organizations registered under the NGOs Co-ordination Act of 1990. The sector recorded significant growth between 2001 and 2007 which could be attributed to the impact of globalization and the opening up of democratic space in Kenya. Since 2001, the sector has been growing at the rate of 400 organizations per year. By August 2009, the Board had cumulatively registered **6,075** organizations.

These organizations are spread all over the country and vary from small organizations operating locally, to international ones with regional programmes. They range from organizations run by small teams of volunteers to mega organizations with hundreds of fully paid staff of diverse professions and sophisticated systems and processes. They reflect diversity in their activities from welfare, to environment, human rights, gender, agriculture and education among others. Further, they employ various strategies ranging from policy and advocacy to research and training, consciousness-raising to information and communication. NGOs in Kenya encompass organizations with modest budgets of a few thousand shillings to those managing over a billion Kenya shillings per year.

The positive impact of increased NGO activity cannot be gainsaid and indeed the sector is increasingly becoming a major player in the provision of basic services in many parts of the country. Nevertheless, the expansion also brings with it high risks of potential abuse both for the public who interact with these organizations on a day to day basis as well as overall national security and economic stability. Activities of rogue NGOs pose a direct threat to public safety and can also impact negatively on the economy inter alia through acts of fraud, money laundering and financing of terrorism.

In 2003, it was estimated that the sector was contributing **KES 80 billion** annually to the economy. Nevertheless, it has been difficult to get accurate data on exactly how much NGOs are contributing to the economy due to low compliance in submission of annual returns to the Board as well as filing of inaccurate data. The foregoing expansion in the NGO sector has, however, not been matched by a concomitant growth in the capacity of the NGOs Co-ordination Board, the state regulatory body, to effectively regulate the sector.

The Board was established in response to the phenomenal growth in the number of organizations involved in the areas of welfare and development and the need to bring them under one legal framework. This it was felt would enable effective regulation and concurrently facilitate better understanding on their contribution to national development.

The budgetary allocation to the Board through the Treasury has, however, only been sufficient to enable it provide registration services and minimal post-registration services. The key functions of monitoring, evaluating and researching NGO activities in order to competently advise the Government on the sector has therefore not been well addressed. Concurrently, due to insufficient funding, the NGOs Co-ordination Board has been unable to recruit enough technical staff and acquire the equipment

necessary to help it exercise adequate oversight on the increasingly complex and sophisticated operations of the NGO sector in the country. Inadequate staff and equipment have also had a bearing on service delivery to the NGO sector.

The fact that the NGOs Co-ordination Board only has presence in Nairobi has further eroded its ability to monitor NGOs to ensure they operate within their stated objectives and contribute effectively to national development. The requirement that NGO officials have to travel to Nairobi to access services has been a financial burden particularly on the smaller organizations. It is due to the foregoing factors that the Government in 2007 funded the Board to conduct a national survey to validate data on NGOs in the country. The study sought to collect information which would improve public confidence and form the basis for improved regulation and enablement of the NGO sector in Kenya. The study was conducted in three phases with the last phase carried out in October, 2008.

Definitions

1. Charitable Organizations

NGOs Co-ordination Act 1990 defines a Non-Governmental Organization (NGO) as a private voluntary grouping of individuals or associations not operated for profit or other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and promotion of social welfare, development, charity or research in the areas inclusive of, but not restricted to health, agriculture, education, industry and supply of amenities and services.

2. Sectors

NGOs carry out various activities/projects towards the fulfillment of their objectives. Related activities are usually grouped based on their thematic relationships referred to as sectors. While a number of organizations carry out integrated programmes (i.e. combine a number of different activities under one project i.e. HIV/AIDS, Microfinance, Agriculture etc) they would normally have a core focus for instance “mitigation of the impact of HIV/AIDS” which would then make such a project fall in the HIV/AIDS sector.

3. Area Advisory Council

Under the Children's Act of 2001 and its attendant Regulations of 2006, all Children's Homes must be inspected and approved by the Area Advisory Council (AAC). The AACs are multi-sectoral teams composed of representatives of Government and Civil Society Organizations (CSOs) and are to be found at the District, Division and Location.

4. Financial Year

All NGOs are required to have a financial year, usually a 12 month period. Organizations usually close their books of accounts after the end of their financial year. NGOs are required to submit an annual report usually referred to as Annual Returns to the NGOs Co-ordination Board by the May 31st following the end of their financial year. This is done on a statutory document commonly known as Form 14. It is mandatory

for NGOs with an annual incomes of KES 1 million and more to accompany Form 14 with audited accounts.

5. Top Officials of an NGO

All NGOs in Kenya are required to have at least three Directors (who comprise the Board of the Organization), one of whom must be a Kenyan. The Directors have responsibility for overseeing the management of the NGO. From the Directors, a team of officials are usually elected to whom the Directors give responsibility of exercising oversight on the management of an organization on a day to day basis since the Board of Directors meet after a long time, say after every three months.

6. Regulatory Environment

NGOs operate by set rules prescribed in the NGOs Co-ordination Act 1990 and its attendant NGO Regulations of 1992. The rules provide for the conduct of NGOs and at the same time seek to facilitate their activities. The rules themselves and their application are referred to as the “regulatory environment” Regulatory environment therefore refers to the manner in which NGOs are regulated and enabled to carry out their functions.

7. Governance

Refers to the manner in which the officials and staff of NGOs exercise authority in the management of the affairs and resources of the organization. NGOs are expected to maintain clear separation of powers between its Board of Directors (with the management providing policy guidance while the staff carry out implementation of activities as agreed on by the Board). NGOs are also expected to demonstrate the *values of probity, self-regulation, justice, service, co-operation, prudence and respect* as prescribed in the Code of Conduct

8. Technical Capacity

Refers to the level of skills, knowledge and experience available to an NGO to enable them competently implement a project in their chosen area of intervention.

9. Networking

Refers to an NGO's capacity to identify other organizations which can contribute to the attainment of its objectives, communicate effectively with them and enter into a mutually beneficial relationship.

10. Community

We use community to refer to the beneficiaries of a programme implemented by an NGO as well as the people resident in the area of where a project is being implemented.

11. Advocacy

Advocacy NGOs primarily promote policies and/or actions addressing specific concerns, points of view, or interests. In the context of development, they work to influence the policies and practices of governments and development institutions.

12. Service provision

In service provision, NGOs work towards improving quality of life by ensuring access to basic services like Education, Shelter, Water, Health, Food e.t.c.

13. Capacity building

Capacity Building refers to actions that improve NGO's effectiveness or enhance ability to work towards its mission. Capacity building efforts can include a broad range of approaches, e.g. financial support, providing training and supporting collaboration with other NGOs.

Executive Summary

The National Validation Survey of NGOs was carried out in three phases between May 2006 and October 2008. The country was zoned into eleven (11) administrative regions based on the provincial boundaries and then into districts as constituted as at December 2006.

The overarching goal of this study was to generate information which would assist in enhancing regulation of NGOs in order to increase their effectiveness and improve public trust and confidence in them. The survey was carried out in fulfilment of the Board's mandate as stipulated under section 7(e) of the NGOs Co-ordination Act of 1990 which requires it to conduct a regular review of the register to determine its consistency with the reports submitted by NGOs.

The survey was particularly necessary because while the Board collects data on NGOs in the country annually through the information contained in annual returns, this method of data collection had not been successful due to low compliance. There was, therefore, need to update and validate data on all NGOs since the available information was inadequate. This lack of adequate information had constrained the Board's capacity to quantify the role played by NGOs in national development, and identify opportunities for improved enablement of the sector.

The survey confirmed the diversity of NGOs in terms of their activities, size and access to resources. Further, it established that NGOs were present even in the most far flung of places in Kenya providing basic services to poor communities in the country. The survey established that the 1,334 NGOs interviewed received KES 68 billion in 2005/6 meant for a wide range of public benefit interventions.

The Survey further revealed that only 18 per cent of the organisations registered with the Board at the time of the survey could be traced based on the information in the Board's Register. It must be noted, however, that the Board did not solely rely on the Register but conducted its surveys at district level which enabled it to identify organisations even where the data provided in the register was inaccurate. Further, three per cent of the organisations, which could be traced, did not have offices as required by law.

Another notable finding was that 88 per cent of the organisations interviewed had not conducted elections as required by their constitutions in the year preceding the interview, which indicates poor governance among a significant majority of the NGOs. The survey further points to an inordinately high number of volunteer staff in the sector which was not consistent with the total amount spent on personnel costs. It would appear that a large number of staff who were actually salaried were falsely reported as volunteer staff.

While most NGOs were cooperative in the exercise, a small number proved uncooperative and were particularly hesitant to provide financial information. This was rather strange for organisations which were registered to provide public benefit and which are part of a value driven sector. It would appear then that a number of NGOs had difficulties in meeting the transparency and accountability test.

All in all, the survey results point to a diverse sector with small organisations run by volunteers operating at community level and extremely large organisations with activities not only in Kenya but in the region as well, with massive budgets and professional staff. This diversity in terms of activities, size and reach necessitates a review of the Board's regulatory approach and makes a strong case for a risk based and proportionate approach in regulation. At the same time, it clearly demonstrates that the NGO sector in Kenya has evolved considerably since the enactment of the NGOs Co-ordination Act.

The expansion and growth of the sector brings with it tremendous opportunities for harnessing their potential to stimulate economic growth and improve social welfare in Kenya, but at the same time, it brings with it myriad challenges particularly considering the vulnerability of the sector to abuse. There is therefore an urgent need to review the legislative and regulatory framework to ensure a professional approach to regulation that is able to balance the need to enable the sector to play its important role in national development while ensuring that NGOs are not abused to the detriment of the public interest.

1

Chapter One

1.0 INTRODUCTION

1.1 ABOUT THE NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION BOARD

The Non-Governmental Organizations Co-ordination Board (hereinafter referred to as “the Board”) is a State Corporation established by an Act of Parliament, the Non-Governmental Organizations Co-ordination Act No. 19 of 1990 (hereinafter referred to as the Act). The Board’s broad mandate is to register, regulate, coordinate, and facilitate all NGOs operating in Kenya. Currently, the Board is under the office of the Vice President, Ministry of State for National Heritage and Culture. The Board was formed as a result of the recognition for the need for a legal and administrative framework to guide NGO operations in Kenya.

Prior to the establishment of the Board, NGOs were registered under different legal regimes. This made regulation of their operations difficult. The Act envisaged the establishment of a single regulator of all charitable organizations operating in Kenya. However, this has not been possible since NGOs continue to be registered under various laws.

Specifically, the Board is mandated to:

- Register, coordinate and facilitate the work of national and international NGOs operating in Kenya
- Maintain a register of national and international NGOs operating in Kenya, with their precise sectors, affiliations and location of their activities
- Receive, analyze and evaluate the annual reports of NGOs
- Advise the Government on the activities of NGOs and their role in development within Kenya
- Conduct a regular review of the Register and to determine its consistency with the reports submitted by NGOs and the NGO Council.

- Provide policy guidelines for NGOs for harmonizing their activities with the National Development Plan so that NGOs avoid activities which contradict State development programmes
- Receive, discuss and approve the regular reports of the NGO Council and to provide strategies for efficient planning and coordination of activities for NGOs in Kenya
- Develop and publish a Code of Conduct for the regulation of NGOs and their activities in Kenya
- Prescribe rules and procedures for the audit of accounts of NGOs

1.2 BACKGROUND TO THE NATIONAL VALIDATION SURVEY OF NGOS

Section 7 of the Act provides the Board with a mandate to maintain a register of national and international NGOs operating in Kenya, with their precise sectors, affiliations and location of their activities. The Board is also expected to conduct a regular review of the register to verify the accuracy of reports submitted by NGOs with a view to advising the Government on their activities. While the Board had over the years been collecting data on NGOs particularly through the information contained in annual returns, this was not very successful due to low compliance. The information available to the Board was therefore to a large extent outdated and needed to be urgently updated.

The lack of adequate information meant that the Board was unable to quantify the important role played by NGOs in national development, and identify opportunities for improved enablement of the sector when in fact NGOs are diverse in terms of thematic emphasis, financial capacity and expertise.

Additionally, the Board continued to apply a uniform approach to all NGOs. It is in the foregoing context that the Board carried out a nationwide survey to validate existing data on the sector and establish opportunities for improved enablement and regulation.

It was anticipated that the information collected through the survey would be useful for the Board to update its database and improve service provision to the NGO sector. Secondly, the information would be used to advise the Government on the contribution of the NGO sector to the national economy and on the nature of legislative and policy support that the sector might require. Thirdly, the information would be important for documenting and quantifying effectiveness of NGOs to donors and the general public thus building public confidence in them.

1.3 ORGANIZATION OF THE SURVEY

The National Validation Survey of NGOs was carried out in three phases between May 2006 and October 2008. The country was zoned into eleven (11) administrative regions based on the provincial boundaries and then into districts as constituted as at December 2006. The process involved:

- i. Sensitizing the public and NGOs on the exercise to ensure its smooth implementation by Conducting eleven (11) regional sensitization workshops; visits to District Commissioners (DCs) in 71 districts; running advertisements in the print and electronic media and communicating directly with NGOs through letters and e-mails.
- ii. Conducting desk research to establish existing data on registered NGOs, specifically to identify number of NGOs registered, areas of operation, main objectives, officials and contact address.
- iii. Recruiting, training and deployment of coordinators, supervisors and enumerators. This also involved reconnaissance visits to the districts to conduct logistical planning.
- iv. Carrying out field survey to validate existing data on NGOs and fill existing information gaps. All registered NGOs were visited at their project sites by enumerators on behalf of the Board to

collect information ranging from basic data on the challenges faced by NGOs and feedback on services currently provided by the Board. Key informants were also visited and interviewed.

- v. Data entry and analysis.
- vi. Report writing

For the purposes of the survey, Nyanza Province was divided into two administrative areas: Nyanza south and Nyanza central. Rift Valley Province was divided into north, south and central while Eastern Province was also divided into upper and lower Eastern. Nairobi Province was zoned into Kasarani, Embakasi, Langata and Westlands divisions. However, Central, Western and Coast provinces were not sub-divided.

Each supervisor was assigned a district, while enumerators were allocated proportionately based on the number of NGOs. Guides were also identified to help the supervisors map the distribution of NGOs prior to and during the survey. The selection of guides was based on their knowledge of the district as well as with the physical locations of NGOs in the district. All guides were residents of these districts.

The technical co-ordinator and regional co-ordinators conducted reconnaissance before the actual survey. This involved meeting the DCs, District Development Officers (DDOs) and District Officers (DOs) to sensitize them on the intended survey as well as informing them of the Board's mandate. They also arranged for accommodation for supervisors and enumerators.

1.4 OBJECTIVES OF THE SURVEY

The overarching goal of this study was to enhance regulation of NGOs in order to increase their effectiveness and improve public trust and confidence in them. Thus, this survey sought to validate existing data on NGOs operating in the country. Specifically, this survey sought to:

- Establish basic information on NGOs
- Validate NGOs income and expenditure in 2005/6
- Verify the source(s) of NGOs funds and collaborators for the period 2005/6
- Establish NGOs assets as reported in their last inventory
- Establish the number of staff both paid and unpaid and their nationality
- Establish the numbers of work permit applications recommended by the Board between 2004 and 2005
- Establish how often NGOs held elections
- Establish awareness of Board's mandate and existence
- Determine the levels of satisfaction with services provided by the Board
- Explore the successes in projects implemented by NGOs
- Explore the challenges faced by NGOs in implementing projects
- Establish the level of participation in local development initiatives and committees

1.5 RATIONALE OF THE SURVEY

The Board collects data on NGOs in the country annually through the information contained in annual returns. However, this has not been quite successful due to low compliance. There was therefore need to update data on NGOs since the available information was inadequate. This lack of adequate information has constrained the Board's capacity to quantify the role played by NGOs in national development and identify opportunities for improved enablement of the sector. The national survey was therefore meant

to validate data on all NGOs registered with the Board and collect additional information on awareness of the Board's mandate and regulatory issues in the sector.

1.6 EXPECTED RESULTS

The exercise anticipated the following key outputs:

- Information would be generated to enable the Board implement a proportionate approach in its enablement and regulation of NGOs.
- The Board could develop a framework for measuring and demonstrating the contribution of the NGO sector to the national economy and the overall development of the country.
- The Board would generate data to guide improved enablement and regulation of the NGO sector.
- Improved public confidence and goodwill towards the NGO sector.

1.7 POLICY IMPLICATIONS

The study findings will help the Board to:

- Implement a proportionate approach in its enablement and regulation of NGOs.
- Develop a framework for measuring and demonstrating the contribution of the NGO sector to the national economy and the overall development of the country.
- Improve enablement and regulation of the NGO sector.
- Inform the drafting of Code of conduct.
- Determine 'public benefit' for tax benefit status.
- Determine a case for bringing all organizations that are charitable in nature under one regulatory body.

2

Chapter Two

2.0 METHODOLOGY

2.1 STUDY AREA AND POPULATION SIZE

A pilot study was conducted in Bungoma District to test the tool for data collection in December, 2006. This was followed by the actual survey in eight provinces in three phases as follows:

- The first phase in Nairobi, Nyanza, and Western (except Mt. Elgon District) provinces was carried out from May 21-29, 2007. However, the exercise was extended to May 28, 2007 in Nyanza province and to May 29, 2007 in Nairobi province due to high concentration of NGOs in these regions.
- The second phase in Central, Eastern and Coast provinces was conducted between September 3-8, 2007.
- The third phase in Rift Valley and North Eastern provinces was done between October 13-17, 2008. Mt Elgon District was also covered in the third phase due to insecurity in the region in 2007.

All 5,929 NGOs registered with the Board as at various dates when the survey was conducted were targeted in the study.

2.2 METHODS OF DATA COLLECTION

Registered NGOs were visited at their offices by enumerators on behalf of the Board to collect information ranging from basic data on the NGOs, challenges faced and obtain feedback on services provided by the Board. Officials of NGOs without offices were interviewed at places convenient for them. A pilot study was carried out in Bungoma District between October 26 and November 5, 2006. The questionnaires contained both open and close-ended questions and were interviewer administered. Key informant interviews were also conducted with members of the provincial administration and the District

Development Officers to establish their perception of the sector's regulatory framework and knowledge of NGO activities at the grassroots.

2.3 METHODS OF DATA ANALYSIS

Data were entered on MS Access while analysis and graphicals were done in both Statistical Package for Social Scientists (SPSS) and MS Excel.

2.4 LIMITATIONS OF THE STUDY

- The survey was carried out at different periods in May 2007, September, 2007 and October, 2008. Therefore, it is possible that the perception of the survey may have changed thereby influencing the kind of information that was disclosed by the respondents.
- The NGOs were visited in their offices, while those without offices were interviewed in convenient locations. This made it difficult to countercheck information provided by some NGOs.
- Some questions were not answered by the respondents. Therefore, it is possible that some NGO officials interviewed were not conversant with the Board's mandate and services. This led to collection of incomplete information on certain NGOs.
- Because of the election violence that followed the 2007 elections, some NGOs which had already been interviewed moved to areas that had not been covered while others relocated to regions which had been covered in the first two phases of the survey. Out of all the NGOs interviewed, only 96 were selected for validation. However, the sample size may not be considered to be statistically representative of the total population.
- Despite the levels of NGOs awareness about the national survey, some still thought that it was an audit, hence were reluctant to participate in the survey, while others provided inadequate information.

2.5 ASSUMPTIONS OF THE STUDY

The following assumptions underpinned this study:

- All NGOs Registered had physical addresses
- All NGOs Registered were operating at their physical addresses indicated in the Board's Register
- All NGOs would were to provide responsible officers to respond to all the questions
- That the validation analysis drawn from 96 NGOs who had responded to both the questionnaire in the national survey and through NGOs self-reporting using Form 14 was fairly representative.

3

Chapter Three

3.0 THE SURVEY FINDINGS

A total of 3,000 questionnaires were administered to various organisations. However, only 2,029 questionnaires were complete and valid for the following reasons:-

- Some were Community Based Organizations (CBOs).
- Some completed questionnaires were also spoilt and were therefore invalid for analysis.
- Some NGOs terminated their interviews prematurely.

3.1 BASIC INFORMATION ON NGOs

The purpose of the survey was to validate existing data on NGOs registered with the Board and are operational. Therefore, NGOs visited were requested to provide their Names; Postal and Physical addresses; Telephone, Cell phone, Fax and E-mail details. They were also asked to provide information regarding their websites, internet and telephone access details, status and location of their Main or Regional Offices in Kenya.

3.1.1 NUMBER AND SCOPE OF NGOs INTERVIEWED

According to the Board's Register at the time of the survey, there were 5,929 registered NGOs compared with 1,334

that were interviewed. This implies that only 22 per cent of NGOs registered with the Board could be traced, 78 per cent could not be traced and did not participate in this survey. It can be inferred that these organisations had either ceased operations without informing the Board (as required by law), had filed wrong information on their areas of operation and address or were inactive (See figure 3.1.1a).

A total of 2,029 NGO offices were visited in various parts of the country. They were either regional, main or branch offices. A regional office refers to an International NGO based in Kenya which coordinates activities in other African countries, main office is the head office of an NGO operating in and headquartered in Kenya and a branch is any office which is coordinated by a main office to implement the organization's programmes.

Table 3.1.1: Number and Scope of NGOs interviewed

Scope of operation	Number
National	1,283
International	367
Did not indicate	379
Total	2,029

Some 63 per cent of NGOs interviewed were national in scope (1,283) compared with 19 per cent international NGOs (367). Some 19 per cent of those interviewed were unsure on their scope of operation as indicated in figure 3.1.1d. It is possible that the respondents could have been newly employed staff and were not conversant with the NGO scope of operation. This could be due to inadequate induction of new staff by NGOs on their registration status. On the other hand, this could also imply a worrying lack of awareness by NGOs on basic issues regarding their registration status. The foregoing concerns are further exacerbated by the fact that in some instances, respondents in different branches of the same organization provided inconsistent information.

3.1.2 STATUS OF OFFICE

Respondents were requested to state the status

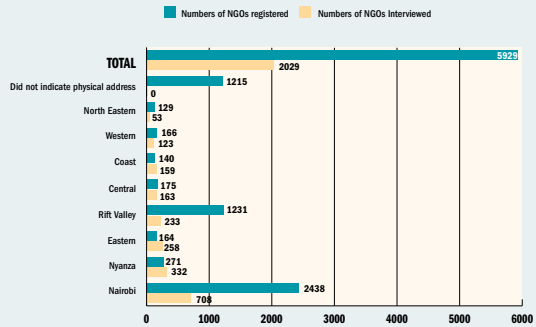


Figure 3.1.1b: Breakdown of NGOs by province comparing number of registered NGOs and those actually found

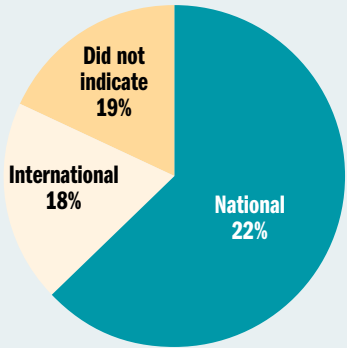


Figure 3.1.1d: Scope of NGOs interviewed by percentages

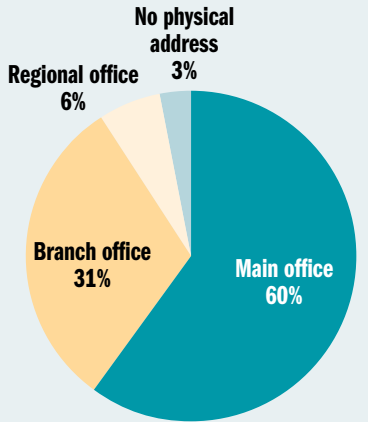


Figure 3.1.2b: pie chart on the distribution of NGOs' Regional, Main and Branch offices



Figure 3.1.1a: Number of NGOs interviewed by percentages

of their office. The offices visited were either Regional- implying the office coordinated activities within more than one country; branch, meaning the office was the subsidiary with a main office located in Kenya; or main office. Out of 5,929 organisations in the Board's register at the time of the survey, only 1,334 NGO were found. The survey established that there were 120 active regional offices and 1,214 main offices. The foregoing organizations had 622 branches. Based on the foregoing figures, 60 per cent of the NGO offices visited were main offices, six per cent were regional offices and 31 per cent were branch offices as illustrated in **figure 3.1.2b**. It is also important to note that three per cent did not have physical addresses, although all NGOs are required to have a physical address.

Table 3.1.2a: status of office

Status of office	Number
Main office	1,214
Regional Office	120
Branch office	622
No physical address	73
Total	2,029

Majority of the national NGOs visited were main offices (84 per cent), while 16 per cent were branch offices. This implies that only a few national NGOs had offices spread all over country. This could be due to inadequate financial capacity. Nonetheless, it should be noted that a number of organisations enhance their outreach by collaborating with other NGOs and institutions with similar objectives operating in other regions (See **figure 3.1.2c**).

As illustrated in figure 3.1.2c, most international NGOs operating in the country (64 per cent) were headquartered in Kenya. Some 24 per cent were regional offices and 40 per cent were main offices, while 36 per cent were branch offices. It is important to note that main offices of some international NGOs are located in other countries but they have regional offices in Kenya to coordinate activities of their branch offices in Kenya and in other countries within region. On the other hand, some international NGOs' main offices are based in the country.

3.1.3 NGOs WITH PHYSICAL ADDRESS

Most of the NGOs (97 per cent) interviewed had physical addresses. Only three per cent did not have physical addresses and were therefore interviewed at places convenient to them. These findings are consistent with the percentage

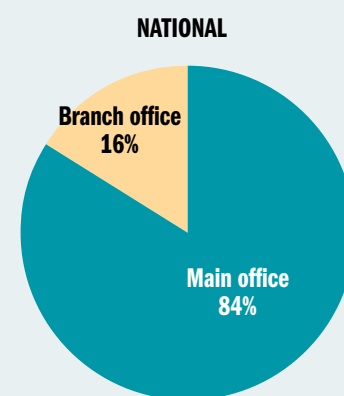
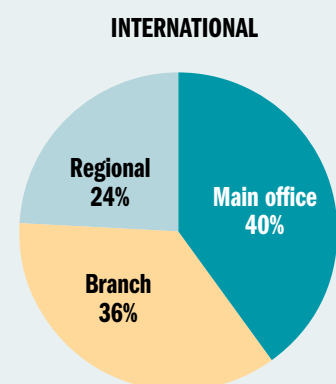


Figure 3.1.2c: pie charts on the distribution of NGOs' Regional, Main and Branch offices by scope

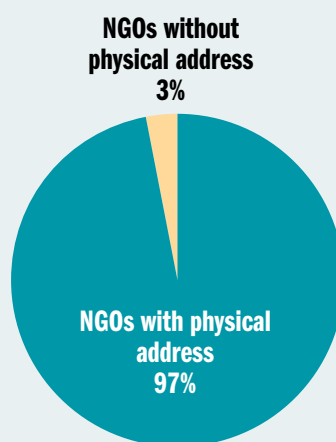


Figure 3.1.3a: pie chart on NGOs with or without physical addresses

of NGOs that did not indicate their office status (See **figure 3.1.3a**).

It is also evident that more national NGOs (three per cent) did not have physical addresses compared with international NGOs (one per cent) as indicated in figure 3.1.3b.

3.1.4 NGOs WITH INTERNET ACCESS

NGOs were also asked to indicate if they had access to the internet and where they accessed it from. The question sought to establish the viability of e-mail as a reliable and cost-effective medium of communication with NGOs as well as NGOs access to information technology. Most NGOs (76 per cent) had access to the internet as compared with 24 per cent that did not have as illustrated in figure 3.1.4a.

Internet access was more or less similar across the board with international NGOs only having a slight edge over national ones. Some 88 per cent of international NGOs had access to the internet facilities compared to 78 per cent of national NGOs as indicated in **figure 3.1.4b**. This implies that scope of operations is not a significant factor in influencing access to internet facilities.

Data gathered also showed that 40 per cent of the NGOs had access to internet in their offices while 35 per cent used cyber cafés. Another 25 per cent did not indicate where they accessed internet as illustrated in figure 3.1.4c.

As expected, most of International NGOs had access to internet in their offices (76 per cent), while 21 per cent used cyber café and three per cent did not indicate where they accessed the internet. On the other hand, a significant number of national NGOs (51 per cent) depended on internet cafes for services with 43 per cent accessing the same from their offices. Some six per cent of national NGOs did not indicate where they accessed internet, (See **figure 3.1.4d**).

3.1.5 NGOs WITH FIXED TELEPHONE LINES

According to data gathered, 56 per cent of NGOs had fixed telephone lines in their offices compared with 44 per cent that did not have as shown in figure 3.1.5a.

Most international NGOs (72 per cent) had fixed telephone lines installed in their offices compared to National NGOs (57 per cent) as illustrated in figure 3.1.5b.

3.1.6 NGOs THAT DISPLAYED REGISTRATION CERTIFICATES

It is a requirement of the terms and conditions attached

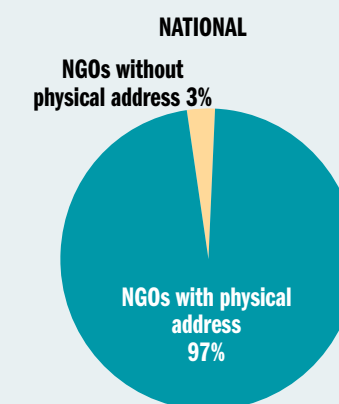
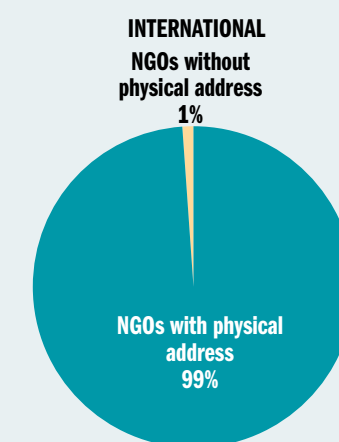


Figure 3.1.3b: pie charts on physical address by scope

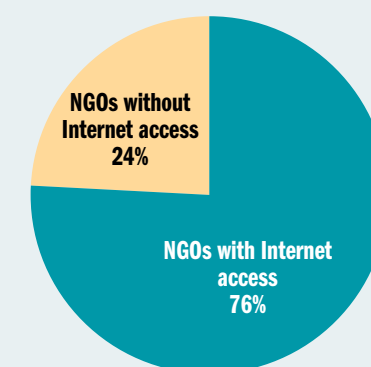


Figure 3.1.4a: a pie chart on NGOs with or without internet access

to the certificate of registration that NGOs should visibly display the certificate at the office. Interviewers sought to establish if the NGOs interviewed had displayed their certificates in their offices. It was observed that 40 per cent of the NGOs displayed their certificates, while 60 per cent did not. This implies that NGOs were either ignorant of the requirement or had chosen to ignore it (See figure 3.1.6a).

However, the study findings showed that most national NGOs (53 per cent) displayed their certificates compared with international NGOs (46 per cent) as shown in figure 3.1.6b.

3.2 DISTRIBUTION OF NGOS

3.2.1 Provinces

A total of 2,029 NGOs were interviewed in three phases of the survey on NGOs as follows: Nairobi (708) Nyanza (332), Eastern (258), Central (163), Coast (159), Rift Valley (233) Western (123), and North Eastern (53). The highest concentration of NGOs was in Nairobi Province (35 per cent), while the lowest was in North Eastern Province (three per cent) as illustrated in figure 3.2.1.

The foregoing disparities could be ascribed to the following:

- There is a tendency for newly registered NGOs to set up offices in Nairobi even though they intend to operate in other regions.
- NGOs tend to establish offices in areas with infrastructure which could explain the relatively low presence of NGOs in North Eastern Province.

3.2.2 DISTRIBUTION OF NGOS IN KENYA (IN TERMS OF SCOPE OF OPERATION)

From figure 3.2.3, it can be observed that Rift Valley Province had the highest concentration of national NGOs (21 per cent) followed by Nairobi (18 per cent) and Nyanza (15 per cent) provinces respectively. However, the trend was different with international NGOs since Nairobi province had the highest percentage (22 per cent), followed by Rift Valley (21 per cent) and Eastern (14 per cent). North Eastern Province had the least concentration of international (six per cent) and national NGOs (four per cent).

The relatively high number of NGOs in Rift Valley Province could possibly be attributed to a number of factors:

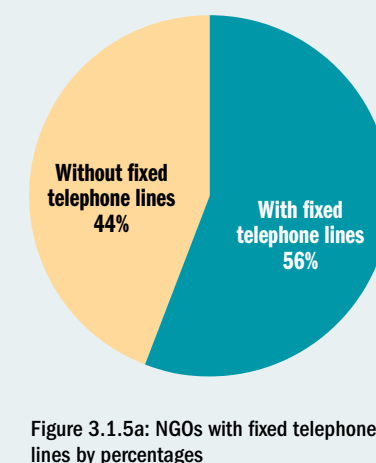
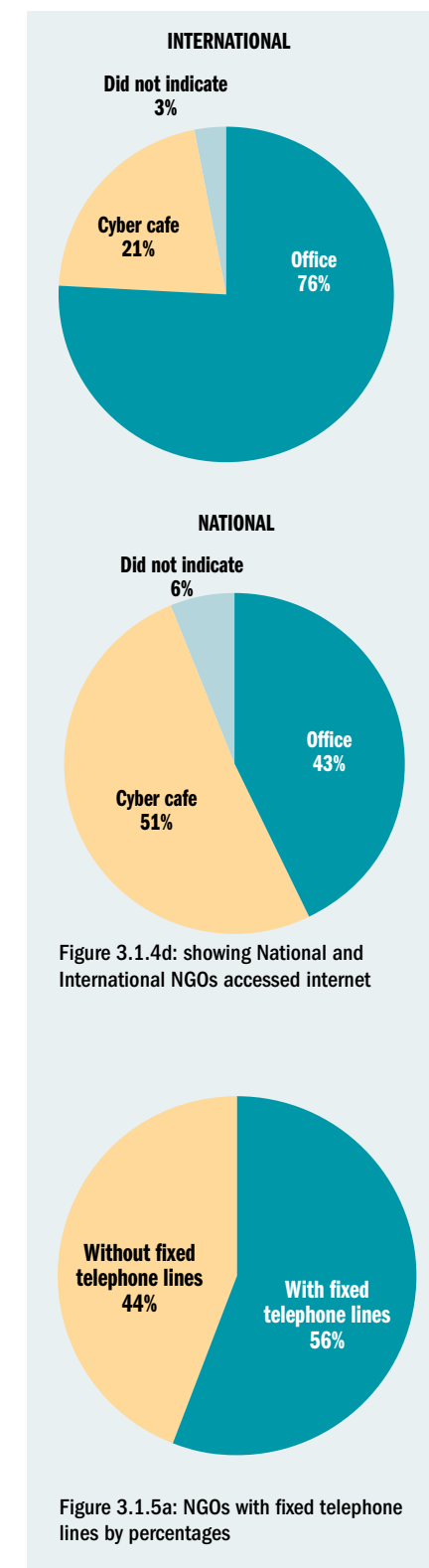
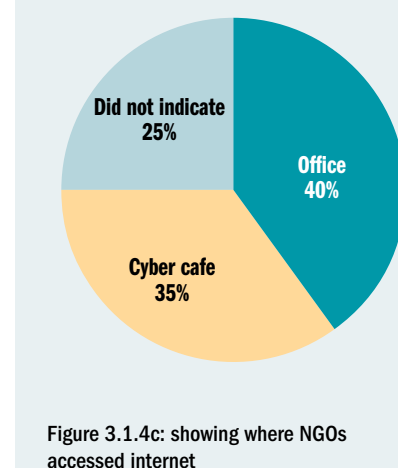
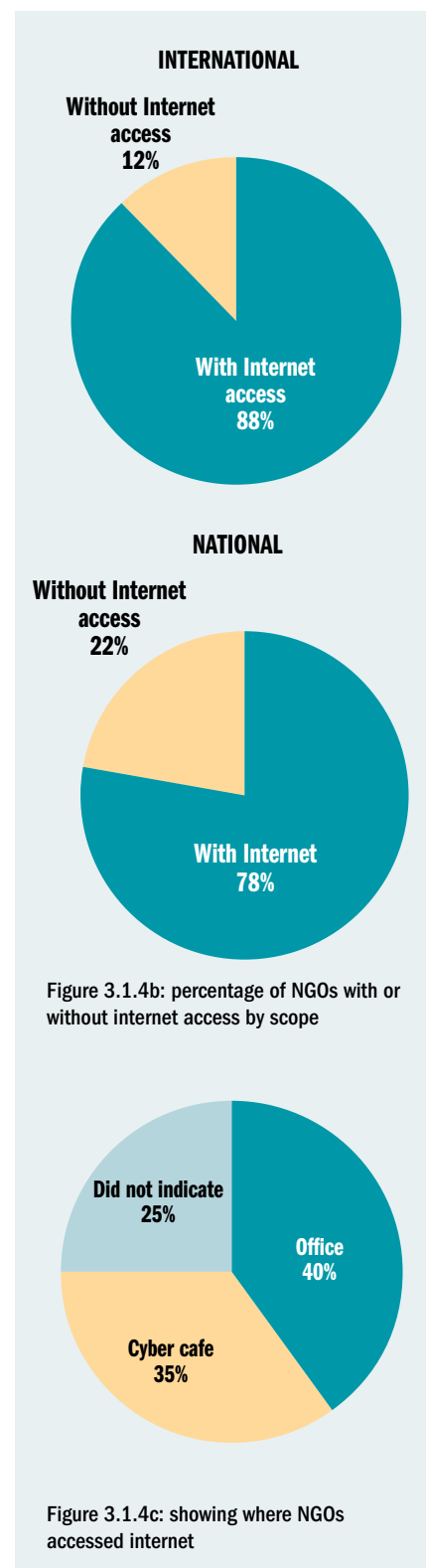
- Rift Valley is the largest province in Kenya and has the highest population in the country hence higher demand for NGO services.
- Many NGOs may have shifted to Rift Valley after post-election violence to promote peace building and conflict resolution and carry out relief activities.
- The province has a high concentration of urban centres.
- The larger Turkana area (mostly Lokichoggio) have a high concentration of NGOs which use its strategic location to provide services to people Southern Sudan.

3.2.3 NGOS' STRATEGIC APPROACH – ADVOCACY, SERVICE PROVISION AND CAPACITY BUILDING

The survey sought to categorise NGOs based on the strategic approach to their work. The study established that the strategic approaches used by NGOs in addressing their objectives could be categorized into three broad areas: advocacy, service provision and capacity building. A number of NGOs employed more than one of these strategies. The survey findings showed that most NGOs are engaged in service provision (53 per cent) followed by capacity building (38 per cent) and advocacy (nine per cent) as illustrated in figure 3.2.3a.

A breakdown of strategies employed by NGOs by province showed that Rift Valley Province most NGOs engaged in advocacy ((24 per cent) compared with service provision (22 per cent) and capacity building (21 per cent). This could possibly be due to a relatively high number of NGOs engaged in peace building and conflict resolution due the high levels of insecurity in the province. It is noteworthy that Nairobi(21 per cent) and Nyanza (16 per cent) also had a slightly higher number of NGOs involved in advocacy than in service provision or capacity building. However, this was not the case with Eastern, Coast, Central, Western and North Eastern provinces since slightly more NGOs in these regions were engaged in service provision and capacity building as compared to advocacy as shown in figure 3.2.3b:

Survey findings also showed that more national NGOs (54 per cent) were involved in capacity building compared with International NGOs (51 per cent). In service provision, there was no significant difference in terms of scope, while majority of international NGOs (12 per cent) were engaged in advocacy compared with national ones (eight per cent).



3.2.4 SECTOR

Among the NGOs that were interviewed, HIV/Aids sector had the highest percentage of NGOs (12 per cent), followed by education (11 per cent), percentages while energy, sports, refugee, housing, old age and informal sectors had the least percentage. It is instructive to note that many NGOs operate in more than one sector. It is instructive to note that only two per cent of NGOs were involved in the reproductive health and population sector a worrying trend considering current concerns about the increasing fertility rates in the country (See **figure 3.2.4b** for more details).

3.2.5 NGOs ENGAGED IN MICROFINANCE

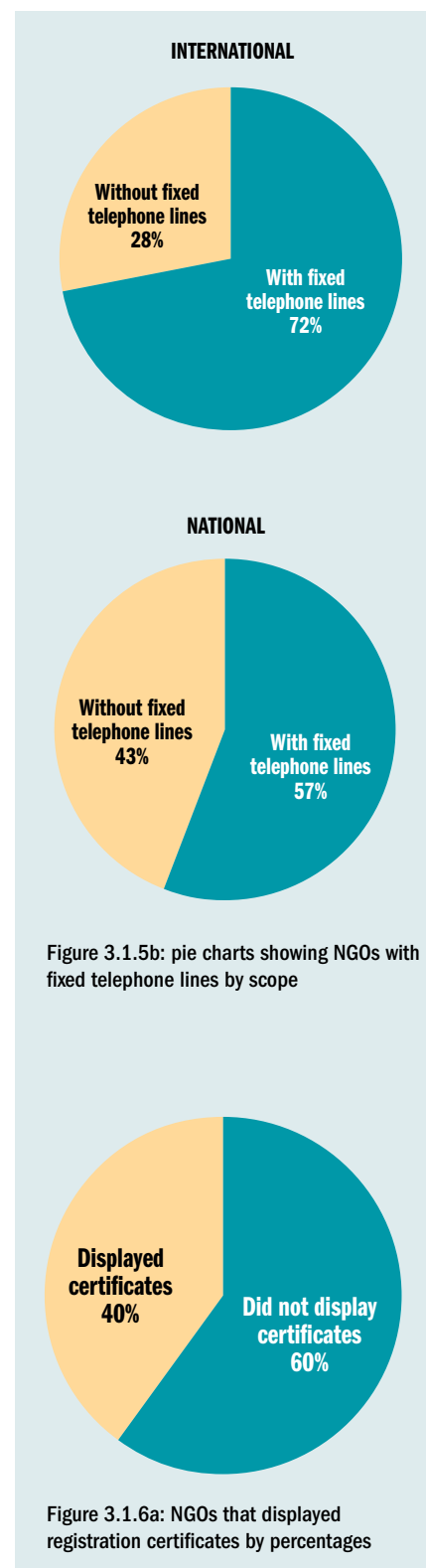
This survey also sought to determine the number of NGOs that took deposits from members of the public or their beneficiaries. According to the Microfinance Act, 2006, all deposit-taking microfinance institutions are required to obtain a license from the Central Bank of Kenya. This law was enacted to improve the regulation of the fast expanding microfinance sector. At least four per cent of NGOs operated in microfinance sector. Out of this 84 per cent were national NGOs while 16 per cent were International NGOs as shown in figure 3.2.5a.

As illustrated in figure 3.2.5b, 29 per cent of NGOs in microfinance sector indicated that they were taking deposits from the public. It follows then that most NGOs in the microfinance sector are non-deposit taking, as such do not need to conform to the stringent requirements of the Microfinance Act, 2007.

Among the NGOs that took deposits from the public, 89 per cent were national NGOs, while 11 per cent were international NGOs (See **figure 3.2.5c**).

3.2.6 NGOs RUNNING CHILDREN HOMES

Under the Children's Act of 2001 and its attendant regulations of 2006, all children's homes must be inspected and approved by the Area Advisory Council (AAC). The survey sought to establish the number of NGOs running children's homes and whether these homes were approved by the AAC as required by law. According to the survey findings, there were 330 children's homes in the country run by NGOs. Most of the children's homes were approved (279) by the AAC, and 51 were not approved. This implies that 85 per cent of the Children's homes were operating legally as required by the law, while 15 per cent were illegally estab-



lished as illustrated in **figure 3.2.6b**.

Table 3.2.6 (a): showing the number of Children's Homes in each province

Province	Approved	Not Approved	Total
Central	23	2	25
Coast	30	1	31
Eastern	25	0	25
Nairobi	109	4	113
Nyanza	40	2	42
Western	6	1	7
Rift Valley	29	31	60
North Eastern	17	10	27
Total	279	51	330

It is important to note that Rift Valley Province (61 per cent) had the highest concentration of illegally established children's homes, while in Eastern Province, all children's homes were approved by the AAC.

There was no significant difference between the percentage of International (eight per cent) and national (10 per cent) NGOs operating children's homes (See **figure 3.2.6d**).

It can be observed from the figure above that Nairobi Province (34 per cent) had the highest concentration of children's homes, followed by Rift Valley (18 per cent) and Nyanza (13 per cent) provinces respectively. Western Province (two per cent) province had the least concentration of children's homes.

3.3 FINANCES

3.3.1 SOURCES

A total of KES 68,825,055,222.00 was received by NGOs as donations to fund various projects in 2005/6. These included traditional sources such as donor organizations and Government agencies, while non-traditional sources were in the form of contributions by NGO officials, members and community contributions. However, some NGOs did not disclose funding sources (See **table 3.3.1a** for more details).

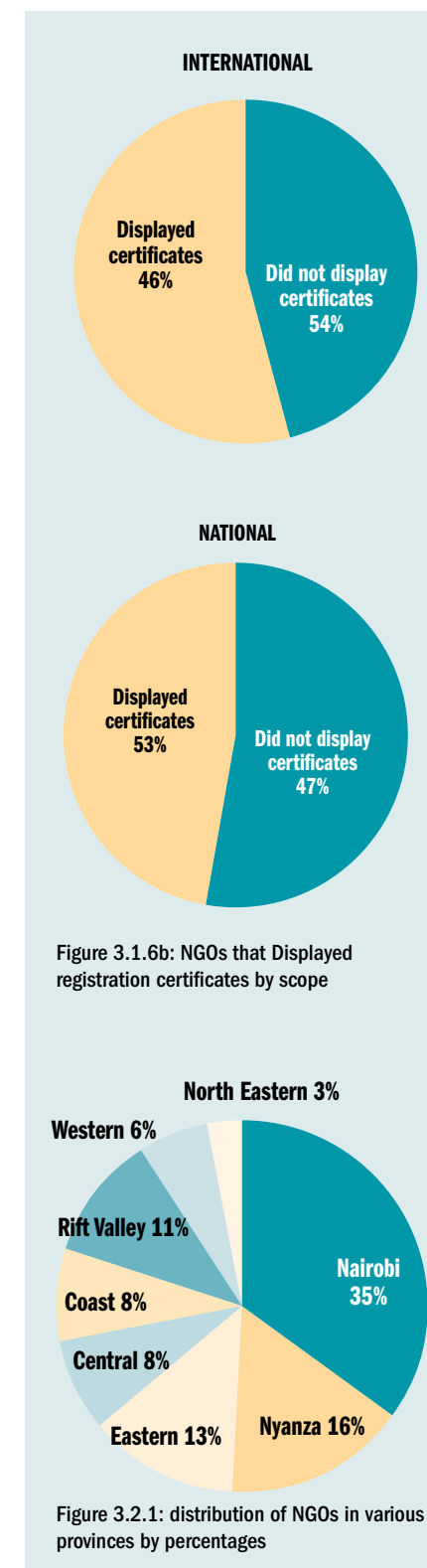


Table 3.3.1.a: showing NGOs' sources of funds in 2005/6

ORGANIZATION TYPE	AMOUNT
Public Foundation /Trusts /private foundation	36,031,651,169.00
International Governmental Aid Agencies /Embassies	6,809,746,309.00
International NGO	5,069,797,368.00
Individual and corporate Dona-tions	2,817,400,694.00
UN/ AU	1,723,421,954.00
Religious Organizations	1,443,615,227.00
Income Generating Activities	777,087,425.00
Membership subscriptions	185,287,567.00
National NGO	183,926,011.00
Kenya Government Agency	181,286,114.00
Community	118,486,193.00
Directors contributions	57,397,334.00
Devolved Funds	54,087,768.00
Unspecified sources	13,371,864,089.00
TOTAL	68,825,055,222.00

A greater percentage of donations were from Public and Private Foundations and Trusts (52 per cent), International Governmental Aid Agencies/Embassies (10 per cent) and International NGOs (8 per cent).

Further data analysis showed that International NGOs received most of the funds (69%) donated to various organisations compared with National NGOs (31%) as illustrated in figure 3.3.1c.

3.3.2 DONOR COUNTRIES

It is evident that most donations to NGOs were from Germany (58 per cent); Kenya (in country donations) (12%); United States (nine per cent); Netherlands (eight per cent) and United Kingdom (seven per cent) respectively (See figure 3.3.1c).

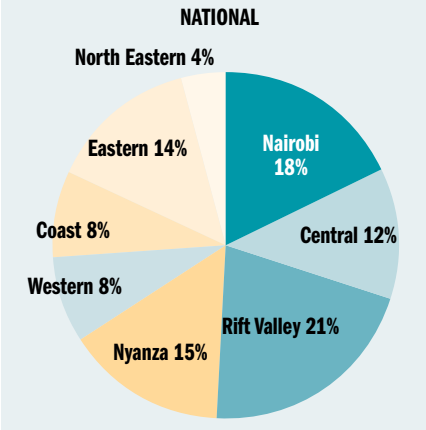
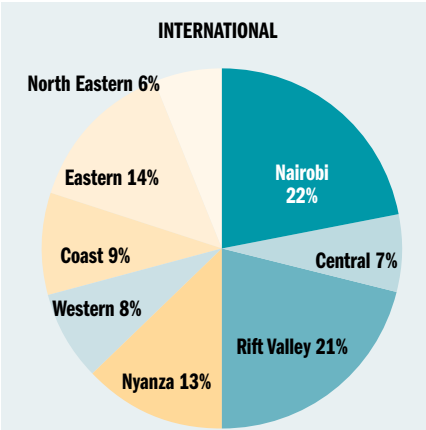


Figure 3.2.3: Distribution of NGO offices in Kenya in terms of scope of operation

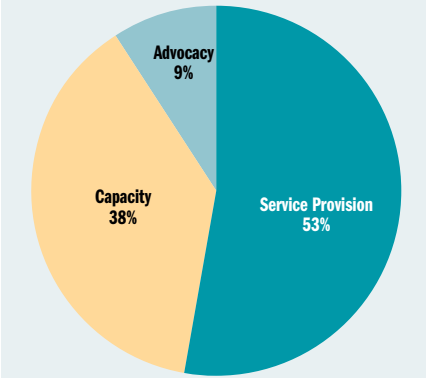


Figure 3.2.3a: a pie chart showing NGOs distribution in terms of strategic approach

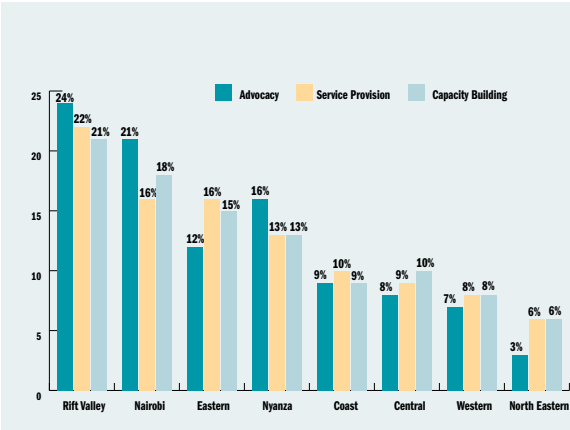


Figure 3.2.3b: NGOs distribution in terms of strategic approach by province

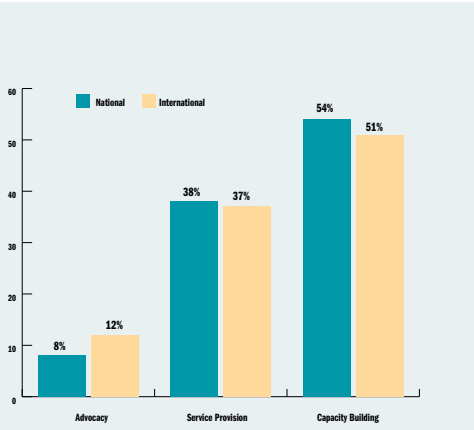


Figure 3.2.3c: NGOs distribution in terms of strategic approach by scope

3.3.3 EXPENDITURE

According to data collected, NGOs spent KES 16,130,192,509.00 on projects, while they used KES 3,326,606,185.00 on administration and KES 4,415,309,351.00 on personnel. Others costs consumed KES 2,140,187,659.00. In total NGOs that were interviewed spent **KES 26,012,295,704.00** in 2005/6 as indicated in table 3.3.3a. Table 3.3.3a: NGOs' expenditure

	National	International	Did not specify scope	Total
Project	8,444,636,425.00	6,639,797,303.00	1,045,758,781.00	16,130,192,509.00
Administration	1,277,810,386.00	1,877,451,077.00	171,344,722	3,326,606,185.00
Personnel	1,981,489,050.00	2,180,066,934.00	253,753,367	4,415,309,351.00
Other costs	775,853,975.00	1,243,184,057.00	121,149,627	2,140,187,659.00
TOTAL	12,479,789,836.00	11,940,499,371.00	1,592,006,497.00	26,012,295,704.00

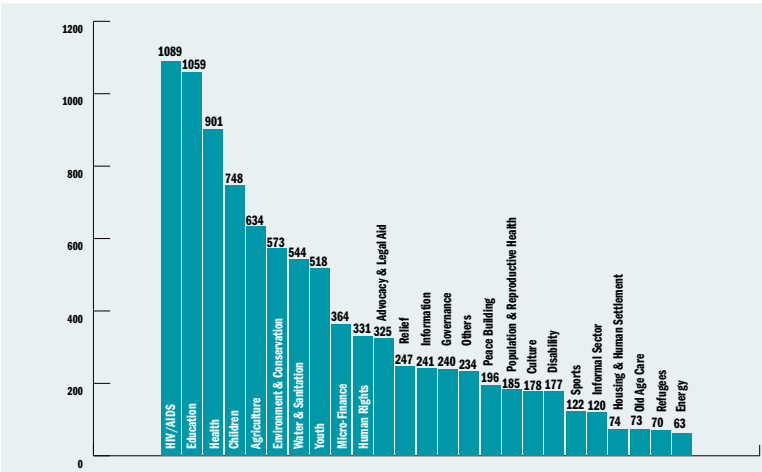


Figure 3.2.4a: a bar graph showing NGOs distribution in terms of sectors of operation

The survey findings also showed that the total expenditure by national NGOs was slightly higher than international NGOs in 2005/6 as shown in figure 3.3.3b.

On the other hand, expenditure by national NGOs on projects (68 per cent) was higher compared with international NGOs (56 per cent). While international NGOs spent more on personnel (18 per cent) and administration (16 per cent) compared with the amount spent by national NGOs on the same as illustrated in figure 3.3.3c. This could be due to the fact that international NGOs employed more expatriates who were paid higher salaries compared with the local staff.

If we were to use the percentage of money spent on direct project implementation against that spent on personnel and administration costs as an indicator for efficiency, then it might be concluded that national NGOs are more efficient than international NGOs, since national NGOs on average spent 68 per cent of their income on projects as opposed to international NGOs, which spent 56 per cent. Part of the reason for this is that international NGOs tend to provide higher salaries and provide more benefits for staff and concurrently employ more expatriate staff. Generally, NGOs seem to spend insignificant amount of money on administration (13 per cent) and personnel (17 per cent). Other running costs consumed eight per cent of the NGOs' expenditures (See figure 3.3.3d for more details).

3.3.4 COMPARISON OF SURVEY INFORMATION AGAINST INFORMATION PROVIDED BY NGOS IN THEIR RETURNS

One of the objectives of the survey was to validate self-reported data received by the Board from NGOs mainly through their annual returns. Data from 96 NGOs who had responded to both the questionnaire in the national survey and through the self-administered Form 14 were compared for the period 2006/6. Data in comparable variables in both tools were analyzed comparatively to corroborate information given by the NGOs as illustrated in table 3.3.4a and figure 3.3.4b. Data analysed showed that NGOs under-reported the

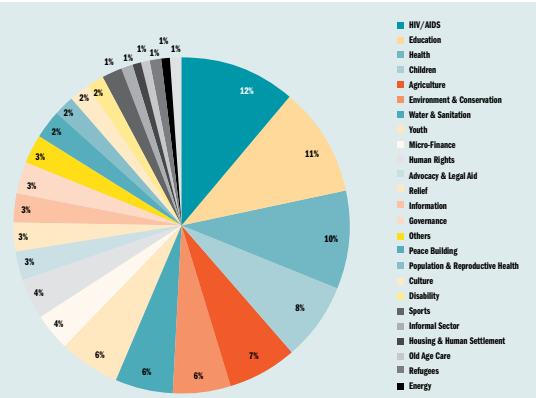


Figure 3.2.4b: a pie chart on NGOs distribution in terms of sectors of operation

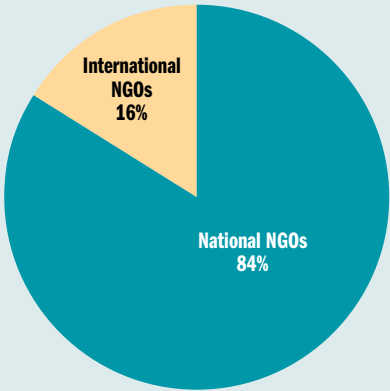


Figure 3.2.5a: a pie chart on the number of NGOs engaged in Microfinance

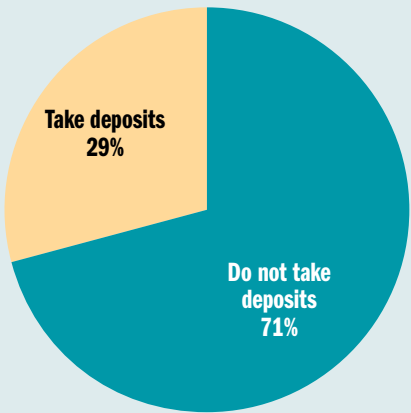


Figure 3.2.5b: showing the percentage of deposit-taking Microfinance NGOs

amount spent on projects, personnel and on other running costs on Form 14. However, data collected on administrative costs indicated that it was over-reported on Form 14 compared with the national survey. Overall, there was a Standard Deviation of 7.23433 regarding financial information provided by these organizations during the national survey from Form 14.

Table 3.3.4a: provides data on NGOs' expenditure from the National Survey and Form 14

Expenditure Item	National Survey	Form 14	Deviation
Projects	33,080,079.00	25,825,155.00	7,254,924.00
Administration	5,775,103.00	6,250,169.00	-475,066.00
Personnel	9,908,826.00	8,013,550.00	1,895,276.00
Other Costs	1,390,164.00	1,165,526.00	224,638.00
Total Expenditure	50,154,172.00	41,254,400.00	8,899,772.00
		DEVSQ	7.23433

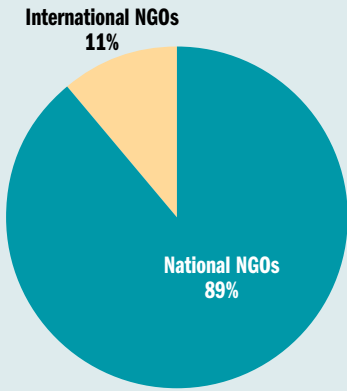


Figure 3.2.5c: percentage of deposit-taking National and International NGOs

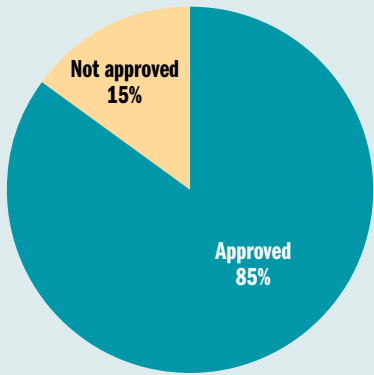


Figure 3.2.6b: a pie chart showing Children's Home operating with or without approval

3.3.5 ASSETS

Data gathered on assets owned by NGOs as per their last inventory in 2005/6 showed that 54 per cent were furniture and equipment; computers accounted for 20 per cent; Motor Vehicles, 13per cent; Land, six per cent; buildings (six per cent. Stocks, which included medical and agricultural stocks accounted for only one per cent as illustrated in the figure below. It would appear then that most NGO assets where held in movable assets with only 12 per cent of them owning either buildings or land. Further, only one per cent was held in stocks thereby raising issues on their sustainability.

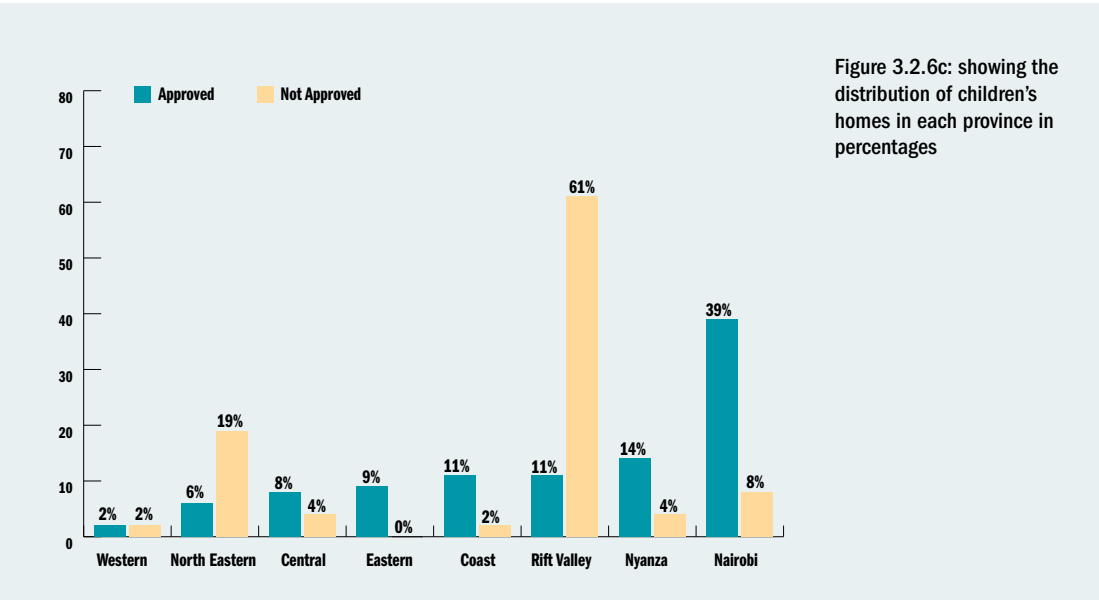
3.4 PERSONNEL

3.4.1 PAID AND VOLUNTEER STAFF

Data gathered on 1,334 NGOs visited showed that **104,628** staff was engaged by them as follows: paid staff (14,217) volunteers (90,411) as shown in table 3.4.1a.

Table 3.4.1a: provides a breakdown on paid and volunteer staff in terms of scope and gender

Category	Gender	Scope		Grand Total
		International	National	
Paid	F	2,792	3,499	6,291
	M	3,866	4,060	7,926
Paid Total		6,658	7,559	14,217
Unpaid	F	978	71,683	72,661
	M	823	16,927	17,750
Unpaid Total		1,801	88,610	90,411
Grand Total		8,459	96,169	104,628



Among the paid staff, majority were men (56 per cent) compared with women (44 per cent)., However, most women (80 per cent) worked as unpaid staff or volunteered their services to charity work compared with men (20 per cent).

According to the data collected, most of NGO employees were both working as unpaid staff or volunteers and only 14 per cent were paid staff (See figure 3.4.1c).

Distribution of staff across scope: Data gathered also showed that international NGOs (79 per cent) engaged more paid staff compared with National NGOs (eight per cent). This could be due to the fact international NGOs have better access to funding and can afford to employ more staff either on long term or temporary basis (See figure 3.4.1d).

Gender and scope: Further data analysis also showed that more men (55 per cent) work with international NGOs compared with women (45 per cent), while majority of National NGOs' employees were women (78 per cent) and only 22 per cent were men as shown in figure 3.4.1e.

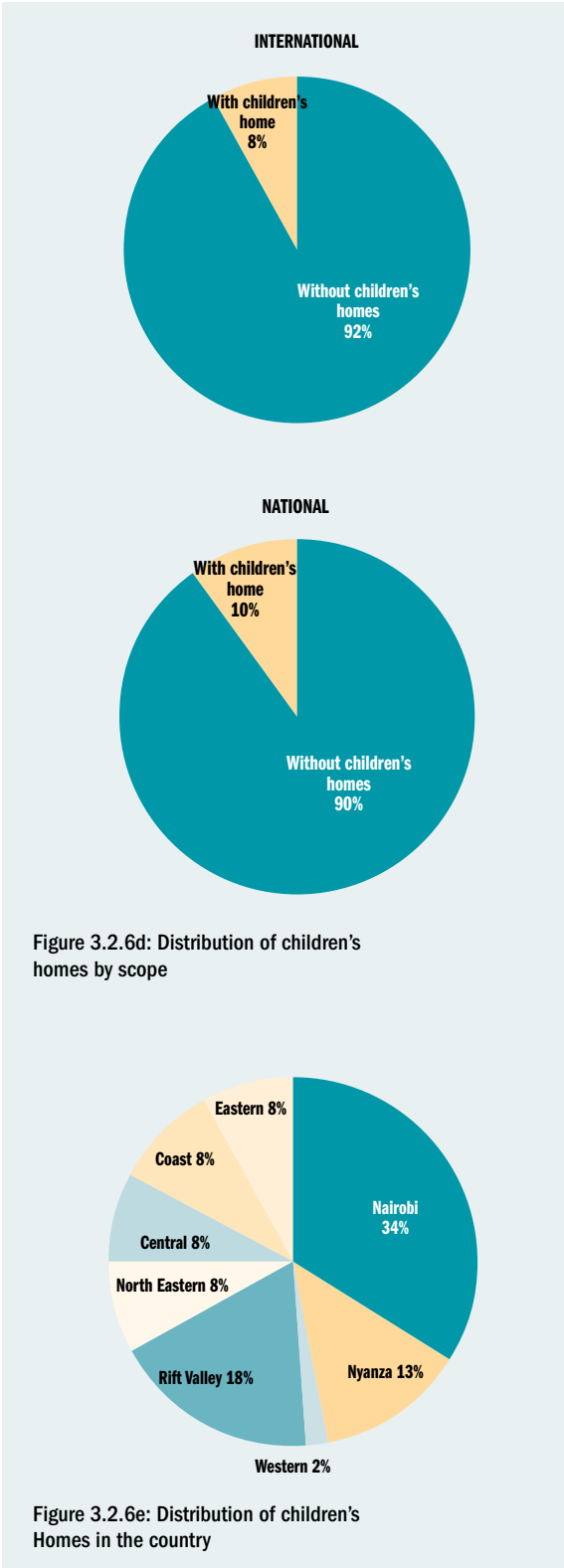
Regarding gender parity, most NGO staff were women (75 per cent) compared with men (25 per cent). Nonetheless, as has been noted most of the female staff were volunteers.

3.4.2 NATIONALITY OF STAFF (LOCAL AND FOREIGN STAFF)

Most of the NGOs interviewed employed more Kenyans (**103,684**) compared with foreign nationals (**944**) as detailed in the figure below. It can also be observed that 91% of international NGO staff were Kenyans compared with nine per cent foreign nationals as illustrated in figure 3.4.2(ii).

3.4.3 EXPATRIATES AND WORK PERMITS

NGOs seeking to engage international staff are required to apply for letters of recommendation to the Ministry of State for Immigration from the Board for the purposes of obtaining



a work permit. The study sought to verify the number of international staff employed by NGOs who had applied for recommendation from the Board as required in 2004, 2005 and 2006 segregated by gender. These included both new applications and work permit renewals. According to the data collected, a total of 339 letters of recommendation for new work permits were issued to NGOs between 2004 and 2006, while 191 applications were for renewal of existing applications (See figures 3.4.3a and 3.4.3b). The breakdown is as follows:

- New work permits: Male, 204 ; Female, 135
- Work permit renewals: Male, 107; Female, 84

3.5 POLICY AND LEGAL ISSUES

3.5.1 COMPLIANCE WITH REGULATORY REQUIREMENTS

3.5.1.1 FUNCTIONS AND EXISTENCE OF THE BOARD

A greater percentage of NGOs (87 per cent) were aware of the existence of the NGOs Co-ordination Board and only 13 per cent were not aware of the existence of the Board as indicated in figure 3.5.1.1a. Lack of awareness by some NGO staff could be attributed to the following:

- Newly employed staff by NGOs who were not conversant with the sector's regulatory framework.
- Lack of induction of new employees by the NGOs top management
- Poor documentation by NGOs on their activities and regulatory requirements
- Inadequate media coverage of the Board and its activities.

Among the international NGOs, 84 per cent were aware of NGOs Board's existence and 16 per cent were not. On the other hand, 93 per cent of national NGOs were aware of Board's existence, while seven per cent were not (See figure 3.5.1.1b).

It is possible to conclude that most of the re-

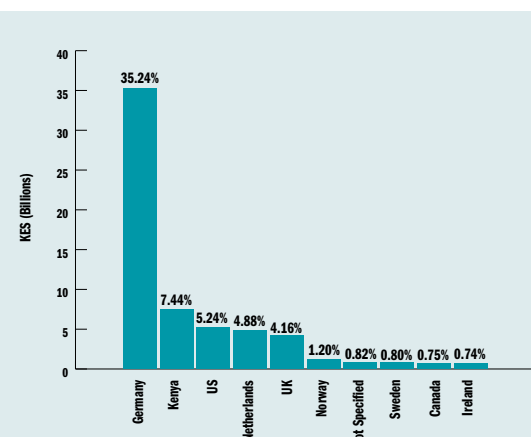


Table 3.3.1b: showing NGOs' sources of funds in 2005/6 by percentages

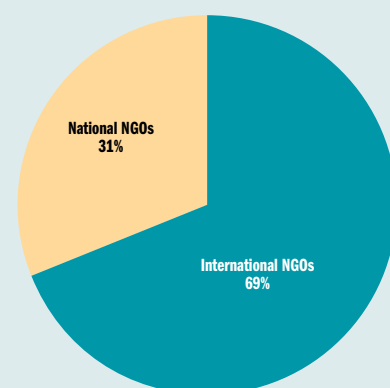


Figure 3.3.1c: pie chart showing NGOs income by scope

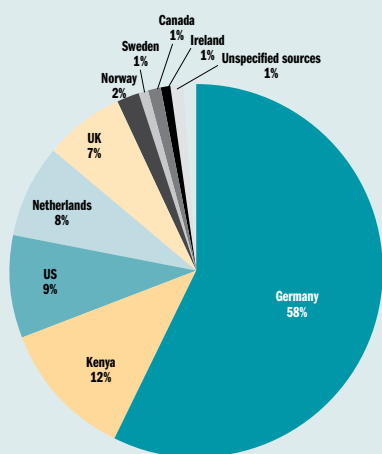


Figure 3.3.1d: a pie chart showing donor countries

spondents were aware of NGOs Co-ordination Board's existence. However, a greater percentage of national NGOs (93 per cent) knew the Board's existence compared with international NGOs (84 per cent). This could be due to the fact that most of the contact persons (interviewees) working for international NGOs were foreign nationals as opposed to those of national NGOs who were Kenyan.

3.5.1.2 AWARENESS ON ANNUAL RETURNS AND AUDITED ACCOUNTS

According to the NGOs Regulations, 1992; every registered organization is required to submit to the Board on or before the 31st May in every year, an annual report on Form 14. For NGOs with incomes of KES 1 million and above, it is mandatory that Form 14 be accompanied by audited accounts. The study sought to determine the number of NGOs that were aware of the need to submit the returns. The survey finding shows that awareness was generally high at 78 per cent and showed no significant difference in knowledge between national and international NGOs.

The analysis of this data in terms of scope of operations of NGOs showed that 81 per cent of International NGOs were aware of the requirement to submit their annual returns, while 19 per cent were not aware. The trend was similar with national NGOs since 86 per cent indicated that they were aware of the requirement to submit annual returns and only 14 per cent were not aware.

It is noteworthy, however, that the high awareness noted above has not translated into compliance. There is need for further research to establish the reasons for this.

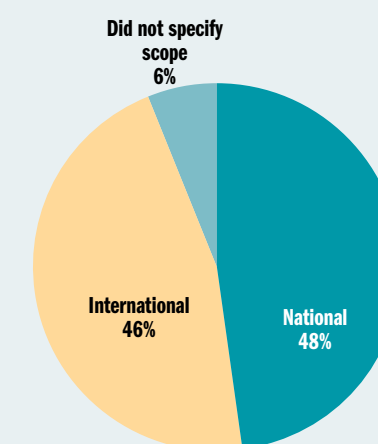


Figure 3.3.3b: a pie chart on total expenditure by NGOs by scope

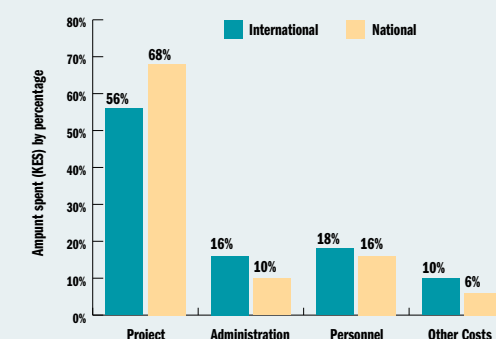


Figure 3.3.3c: a bar graph showing NGOs expenditure by scope

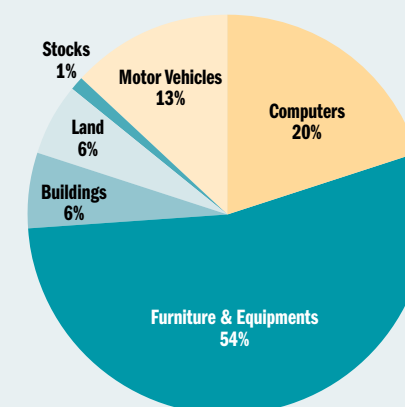


Figure 3.3.5: a pie chart on assets owned by NGOs

SUBMISSION OF AUDITED ACCOUNTS

Regarding submission of audited accounts, 51 per cent of organizations who were due to submit the same in 2005/6 indicated that they had not done so, while 49 per cent of them submitted their accounts on time.

3.5.2 UNDERSTANDING OF THE REGULATORY FRAMEWORK FOR NGOS IN KENYA

3.5.2.1 AWARENESS ON NGOS CO-ORDINATION ACT

As shown in figure 3.5.3.1a, 49 per cent of the NGOs were aware of the NGOs Co-ordination Act of 1990, compared with 47 per cent that were not aware. Further analysis of data showed that 48 per cent of international NGOs were conversant with the Act while 52 per cent were not. On the other hand, 56 per cent of national NGOs were conversant with the Act while 44 per cent were not (See figure 3.5.3.1b).

3.5.2.2 UNDERSTANDING ON ROLES OF THE NGOS CO-ORDINATION BOARD AND NGOS COUNCIL

In carrying out its mandate, the NGOs Co-ordination Board works closely with the NGOs Council. The NGOs Council is a membership organization that brings together NGOs registered to operate in Kenya. The Board's role is to regulate the sector while the council advises the Board on the code of conduct. NGOs are expected to subscribe to the code of conduct. The study sought to establish NGOs' understanding of the roles of these two institutions in the regulation and enablement of NGOs in Kenya.

Some 65 per cent of the NGOs were aware of the difference as illustrated in the figure above while 32 per cent of NGOs could not differentiate between the Board and the Council. Disaggregation of the data demonstrates 65 per cent of international and 71 per cent of national NGOs could differentiate between the Board and the Council as illustrated in figure 3.5.3.2b. However, the percentage of NGOs who do not understand the roles of the Board and the Council is significant. It is possible

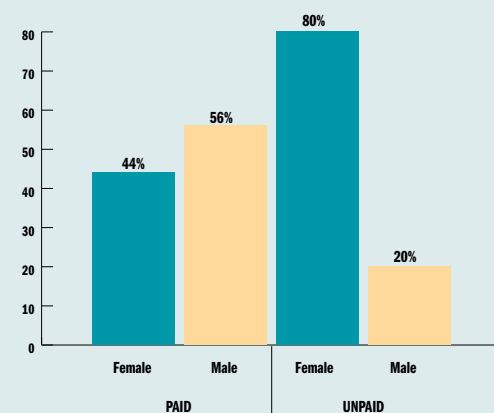


Figure 3.4.1b: showing gender of paid and unpaid staff in percentages

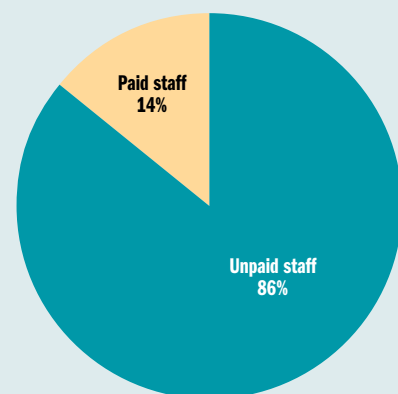


Figure 3.4.1c: a pie chart showing the distribution of paid and unpaid staff

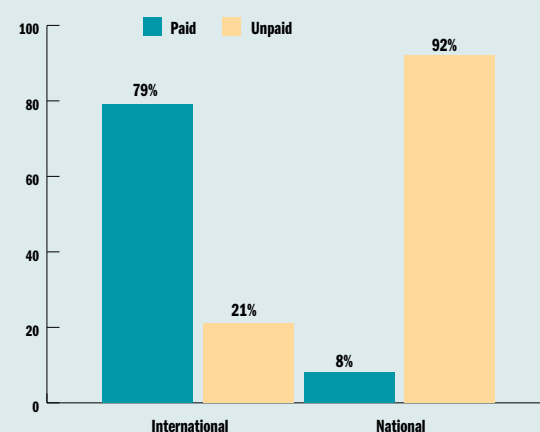


Figure 3.4.1d: distribution of paid and unpaid staff in terms of scope

that this high level of ignorance has contributed to low compliance to regulatory requirements as well as in adherence to the code of conduct by NGOs.

3.5.2.3 ADEQUACY OF THE ACT

Regarding the adequacy of the Act in regulating and enabling the sector, 62 per cent of the NGOs considered the NGOs Co-ordination Act adequate while 38 per cent did not consider it adequate (See figure 3.5.3.3a).

Among the international NGOs, 63 per cent considered the Act adequate compared with 37 per cent that did not, while 61 per cent of national NGOs considered it adequate and 39 per cent did not (See figure 3.5.3.3b).

On the other hand, 24% of the respondents wanted the role of NGO Council in self-regulation to be clearly defined and 19% felt that the Board's mandate should be reviewed to include supervisory role over funds donated to NGOs. Some 12% of the respondents wanted provision on definitions stated in the Act to be reviewed, especially a Non-Governmental Organisation; and another 12% felt that the provision on registration of NGOs should be amended. Some 12% of the respondents also felt that the Board should be empowered through legislation to ensure effective regulation of the sector. Other provisions in the Act that were recommended for amendments by the respondents were: Code of conduct (5%), appeals on certificates canceled (5%), cancellation of certificates (3%), work permit recommendations (2%), penalties for operating without registration certificate (2%), rules on the provision of the Act (2%), and composition of the Board (2%) as illustrated in figure 3.5.3.3c.

3.5.2.4 AWARENESS ON SESSIONAL PAPER NO. 1 OF 2006

The survey sought to establish the level of awareness on the existence and contents of Sessional paper No. 1 of 2006. The sessional paper provides a policy framework for the regulation and enablement of NGOs in Kenya.

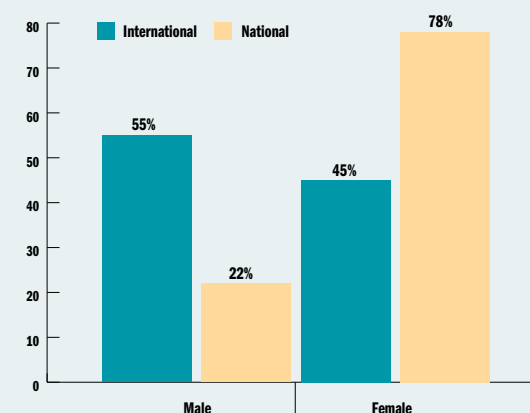


Figure 3.4.1e: distribution of staff in terms of scope

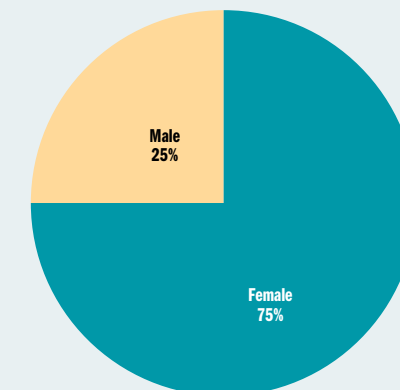


Figure 3.4.1f: distribution of NGO employees by gender

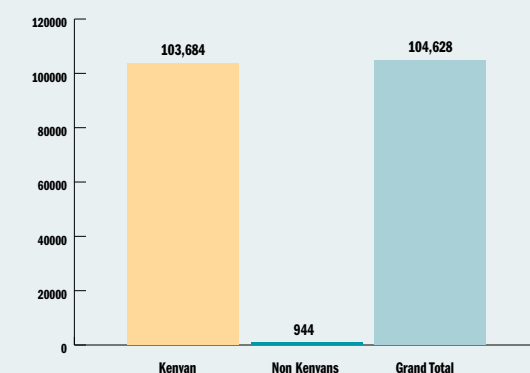


Figure 3.4.2(i): number of local and foreign staff employed by NGOs

Most of the NGOs (68 per cent) were not aware of the Sessional Paper No. 1 of 2006 on Non-Governmental Organizations as indicated in **figure 3.5.4(a)**. Amongst the international NGOs, 25 per cent indicated that they were aware of the sessional paper and 75 per cent were not. On the other hand, 32 per cent of national NGOs were aware of the sessional paper, compared with 68 per cent that were not (For more details see **figure 3.5.3.4b**).

This survey was also aimed at assisting the Board to determine the best way to communicate with and disseminate to NGOs information regarding policy and regulatory matters. NGOs were asked how they learnt about the sessional paper. The survey findings showed that majority of the NGOs learnt about the sessional paper by accessing the information posted on the Board's website (26 per cent) and through guidance workshops and seminars organized by the Board (26 Per cent). Some 24 per cent of the respondents learnt about the sessional paper through newspapers, 22 per cent through other Government departments and two per cent through the *Hansard*.

3.5.2.5 AWARENESS ON CODE OF CONDUCT AND NGOS REGULATIONS OF 1992

NGOs are expected to self regulate without any interference from either the regulator or the government as stipulated under part IV of the Act. NGOs have time and again become victims of abuse from bad leadership, greed, corruption, criminal abuse, external interference, money laundering and all the ills that bedevil the society. On the other hand, they are supposed to be answerable to their members through their constitutions and by adhering to the Code of Conduct and Regulations. Previously, the Council was to develop a Code of Conduct for NGOs; however this has changed after the Miscellaneous Amendments Act of 2007. Currently, the Board develops the Code of Conduct with advice from the NGO Council. Thus, this study sought to establish the level of awareness on Code of Conduct and

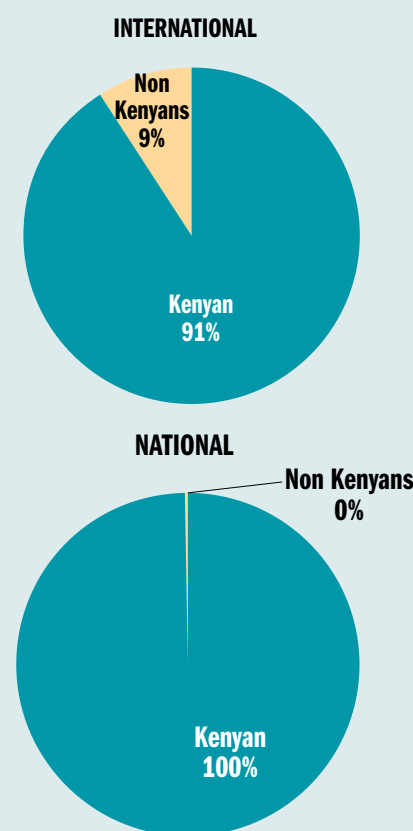


Figure 3.4.2(ii): percentage of Kenyans and non-kenyans employed by International and National NGOs

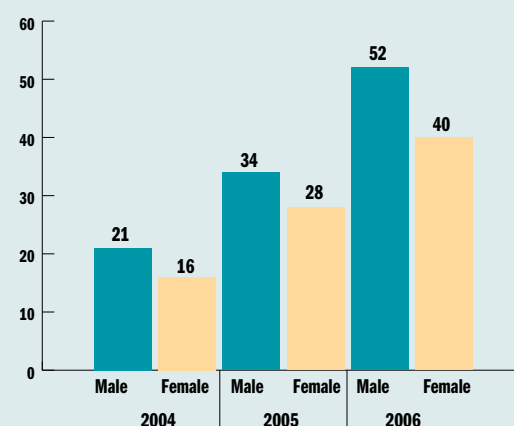


Figure 3.4.3b: Work permit renewals

NGOs Co-ordination Regulations of 1992.

Majority of the NGOs (60 per cent) interviewed were aware of the Regulations and the Code of Conduct. This is evident in the study findings since most of international (60 per cent) and national (66 per cent) NGOs indicated that they knew of the Regulations and Code of Conduct as illustrated in **figure 3.5.3.5b**.

3.6 GOVERNANCE

NGOs operate by a set of rules prescribed in the NGOs Co-ordination Act 1990 and its attendant Regulations of 1992. In addition, NGOs are regulated substantially through enforcement of the organization's founding documents. They are required to hold regular meetings to discuss progress as well as annual general meetings to bring out renewal in their leadership as provided for in their constitutions. The study sought to establish the extent to which NGOs adhered to this requirement. Regular meetings by NGOs to report to stakeholders as well as regular elections are a good practice that is a prerequisite for good governance. The survey sought to determine regularity of elections, date of last elections and date of last AGMs. According to study findings, 88 per cent of the NGOs had not held an AGM during the period in review. This demonstrates that a significant number of NGOs do not comply with the provisions of their constitution in governing themselves. It also shows that many NGOs do not renew themselves through regular elections neither do they account to members as required through AGMs.

3.7 PROJECT IMPLEMENTATION

The Board has a responsibility to quantify the contribution by NGOs in national development and concurrently enable NGOs to ensure they operate optimally. The study consequently sought to involve NGOs in a self assessment to establish their successes and challenges in project implementation.

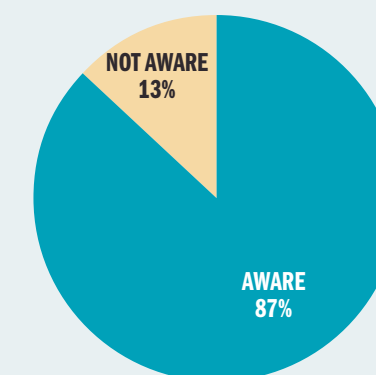


Figure 3.5.1.1a: awareness on functions and existence of the Board



Figure 3.5.1.1b: awareness on functions and existence of the Board by National and International NGOs

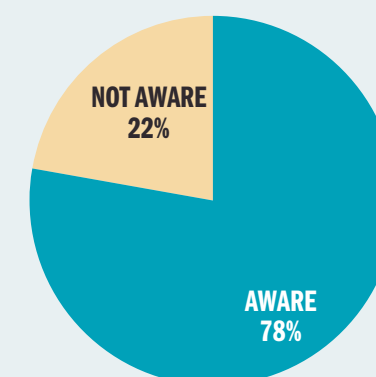


Figure 3.5.1.2a: awareness on submission of Annual Returns

3.7.1 PROJECTS IMPLEMENTED AS AT 31ST DECEMBER, 2006

NGOs were requested to list three projects being implemented as at December 31, 2006 and give their own assessment on their successes and challenges in implementing the same. The study findings showed that majority of the NGOs (24 per cent) were implementing or had only implemented one project, 18 per cent had more than three projects running, 15 per cent had three projects, 16 per cent had two projects and 17 per cent had not implemented any project as at December, 2006. There was a 10 per cent non response which could also mean that these organizations had not implemented any project (See **figure 3.7.1** for more details). However, a total of 73 per cent of the NGOs interviewed had implemented at least a project each.

3.7.2 PROJECTS IMPLEMENTED IN TERMS OF SCOPE

It is also evident that most International NGOs (26 per cent) implemented multiple projects compared with national NGOs (18 per cent) in 2006 which could be attributed to access to more funding by international NGOs as illustrated in **figure 3.7.2**. However, the percentage of national NGOs which had two or three projects running was slightly higher compared to international NGOs.

3.7.3: TOP THREE PROJECTS IN TERMS OF POPULATION REACHED

Most of the projects (13 per cent) implemented as at December 31, 2006 were in education and HIV/Aids. Old age care, refugees and culture had the least percentage of projects implemented.

3.7.4 RATING OF PROJECT PERFORMANCE BY NGOS

NGOs in developing countries face unique and unexpected challenges not only in terms of limited resources and but also in their inability to creatively respond to the changing needs. No developmental intervention can be sustainable or successful unless the implementing

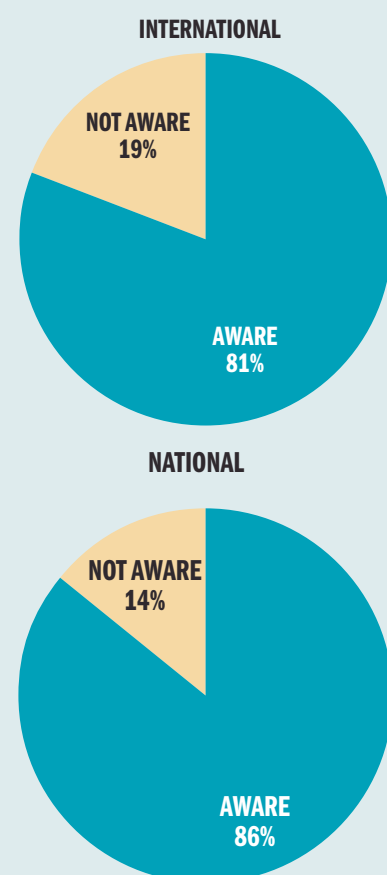


Figure 3.5.1.2b: awareness by National and International NGOs of submission of Annual Returns and Audited accounts



Figure 3.5.1.2c: Number of NGOs due to submit returns and those who actually submitted and due Audited accounts in 2005/6

organization has sustainable resources to work over a longer period of time. Therefore, the study sought to establish how NGOs rated performance in their projects. Data gathered showed that NGOs rated the performance in their projects highly since 97 per cent indicated that it was successful (See **figure 3.7.4**)

3.7.5 WHAT CONTRIBUTED TO SUCCESSES IN PROJECTS IMPLEMENTED?

When asked to indicate factors that contributed to successful implementation of their projects, respondents cited community support (30 per cent) as being the most critical contributor to their success followed by technical capacity (22 per cent) and networking (22 Per cent). On the other hand, 17 per cent of the respondents cited availability of funds as factor in their project success, while six per cent indicated regulatory environment. Interestingly, community participation and not funding was seen as the most important factor contributing to project success. Further, community participation was also considered to be the one of the most important challenges in project implementation, implying that it is the most important factor affecting project success.

3.7.6 CHALLENGES FACED IN PROJECT IMPLEMENTATION

NGOs were also asked to indicate the challenges they faced in implementing their projects. As illustrated in **figure 3.7.6**, Finance (41%) was cited by them as the biggest challenge, followed by community participation (21%) and technical capacity (13%). Another 12% felt regulatory environment was a challenge while 7% indicated networking with other organizations as a challenge to them.

3.8 PARTICIPATION IN LOCAL DEVELOPMENT INITIATIVES

NGOs exist to make a difference in the lives of communities in which they operate. NGOs have a key responsibility in ensuring that Local Development Initiatives (LDI) including devolved funds involve local communities through participatory planning and budget-

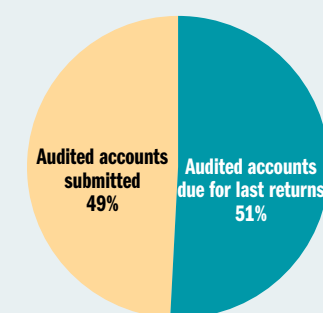


Figure 3.5.1.2d: a pie chart on submitted and due audited accounts in 2005/6

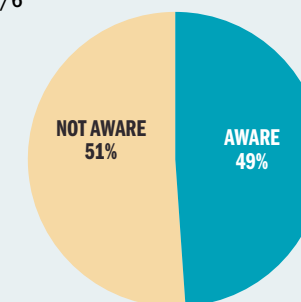


Figure 3.5.3.1a: NGOs' awareness on NGOs Co-ordination Act

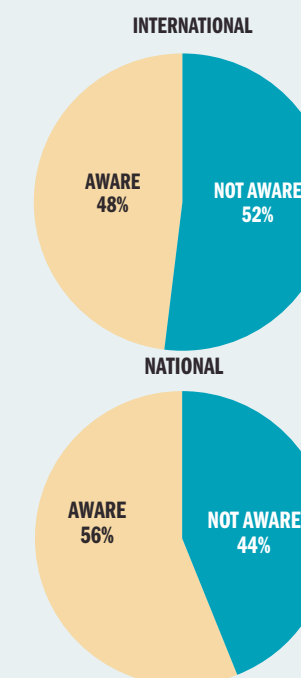


Figure 3.5.3.1b: awareness on NGOs Co-ordination Act by National and International NGOs

ing and foster local public decision-making and accountability of Governments to citizens. The survey sought to establish the extent to which NGOs participate in LDIs. Data gathered showed that 69% of the NGOs interviewed participated in the initiatives and 23% did not. However, 8% of the NGOs did not respond to this question and it might be concluded that they did not participate in local development initiatives.

Further analysis of data gathered showed that 30% of NGOs participated in (District Development Committees (DDCs), 20% in Constituency Aids Co-ordinating Committees (CACCs); Constituency Development Fund (CDF), 13%; Area Advisory Council (AAC), 10%; Local Authority Service Delivery Action Plan (LASDAP), 8%; and District Aids Co-ordinating Committees (DACC), 4% as detailed in the figure below. From the foregoing, it is apparent that there was higher participation in DDCs and CACCs. In general participation of NGOs in LDIs was low and it is particularly disturbing that only 13% NGOs participate in the CDF yet, it is the most important mode of devolved funds at community level. This implies that NGOs as an important arm of civil society are not carrying out their oversight role in how public funds are managed at community level.

3.9 COLLABORATORS

This study also sought to determine the categories of organisations NGOs collaborated with in furtherance of their objectives. Survey findings showed that most of the NGOs collaborated with other NGOs (41%), followed by Government agencies (28%), Faith Based Organizations (11%) and Community Based Organizations (10%). Some three per cent of NGOs collaborated with academic and research institutions, multinational corporations (3%) and foreign missions (1%). Figure 3.9 illustrates the foregoing.

3.9.1 NATURE OF COLLABORATION

The study further sought to determine the nature of collaborations entered into by NGOs. Most of the collaborations involved capacity building (42 percent), information exchange (20 percent) and

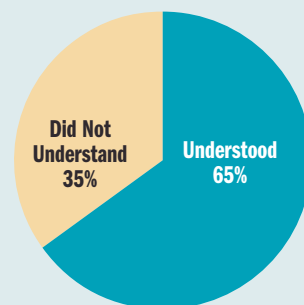


Figure 3.5.3.2a: NGOs' understanding of the role of NGOs Co-ordination Board and NGOs Council

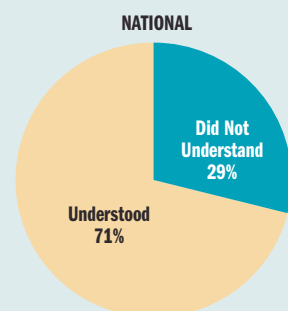
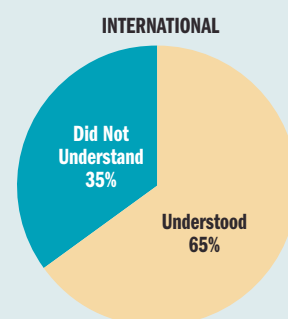


Figure 3.5.3.2b: NGOs' understanding of the role of NGOs Co-ordination Board and NGOs Council

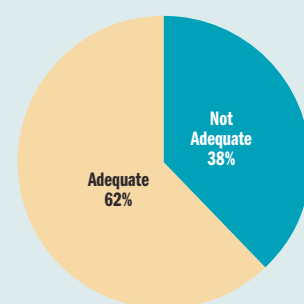


Figure 3.5.3.3a: adequacy of the Act

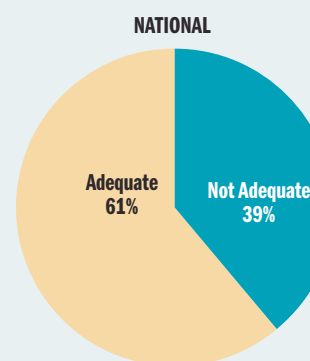
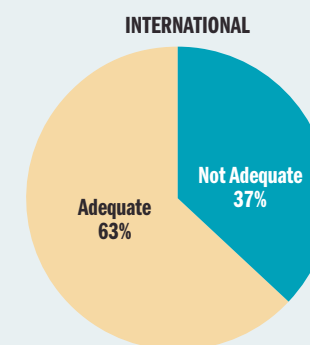


Figure 3.5.3.3b: percentage of National and International NGOs that considered the Act adequate

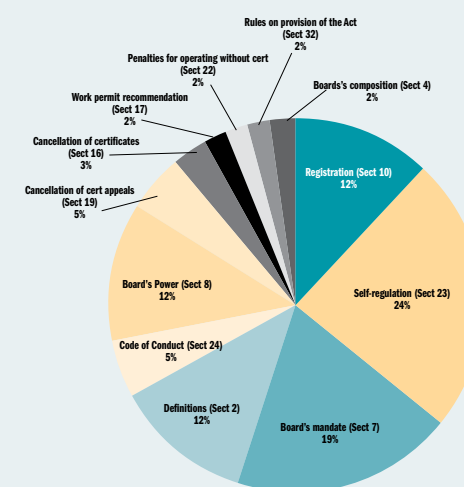


Figure 3.5.3.3c: sections of the NGO Act respondents wanted amended

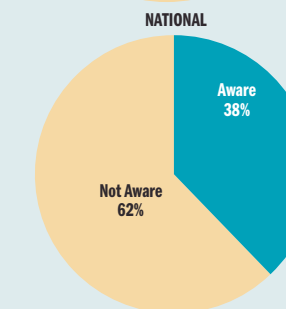
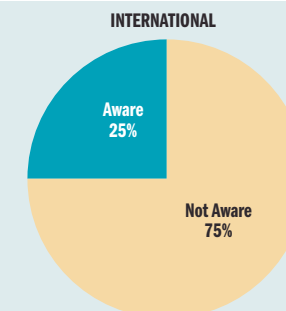


Figure 3.5.3.4a: NGOs awareness on Sessional Paper No. 1 of 2006

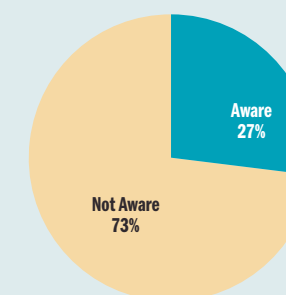


Figure 3.5.3.4: awareness by National and International NGOs' on Sessional Paper No. 1 of 2006

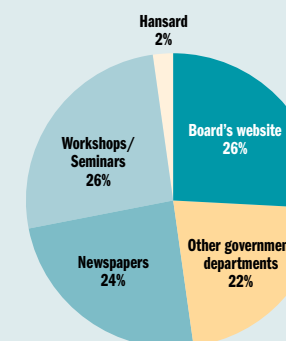


Figure 3.5.3.4c: How NGOs learnt about the Sessional Paper No. 1 of 2006

funding of partner organizations (16 percent). Limited collaborative relationships were also noted through the provision of equipment and materials (4%), networking (3%) and consultancy (1%). (See figure 3.9.1 for more details).

4.0 RATING OF BOARD SERVICES BY NGOS

The Board is committed to providing efficient services in the registration and enablement of NGOs. The study sought to establish the level of satisfaction with Board services. Respondents were asked to rate the following services frequently sought by them:

- File Search
- Work Permit Recommendation
- Tax Exemption Recommendation
- Filing Documents for Registration
- Bank letter
- Change of File Details
- Letter of Confirmation of Registration
- Filing of Complaints

They were given the following options: Excellent, Good, Fair or poor. On overall they rated the Board's services as follows: 28% rated Board's services as Excellent, 44 percent Good, 17 percent Fair and 11 percent poor (See **Figure 4.0**). It is possible to conclude that 72 percent of the NGOs were satisfied with services provided by the Board.

4.0.1 RECOMMENDATION LETTERS FOR OPENING BANK ACCOUNTS

NGOs wishing to operate bank account are issued with a letter of authorisation from the NGOs Co-ordination Board upon payment of a fee. The study findings indicated that 32 percent of the NGOs rated the service as excellent, 46 percent Good, 14 percent Fair and 8 percent poor as shown in figure 4.0.1.

4.0.2 WHERE NGOS BANKED THEIR MONEY (TOP TEN BANKS)

NGOs were requested to list banks and respective branches where they operated bank accounts. Data gathered showed that most of the NGOs banked with Kenya Commercial Bank

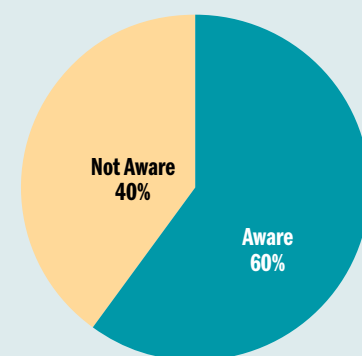


Figure 3.5.3.5a: NGOs' awareness of code of conduct and NGOs regulations of 1992

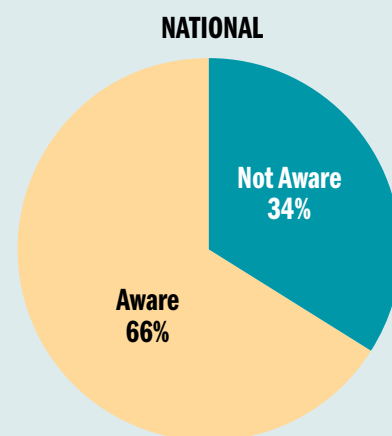


Figure 3.5.3.5b: awareness of Code of Conduct and NGOs regulations of 1992 by National and International NGOs

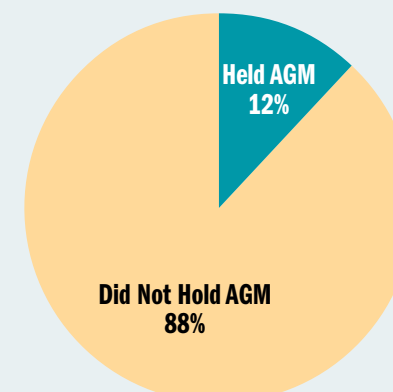


Figure 3.6: the percentage of NGOs that held Annual General Meeting in 2005/6

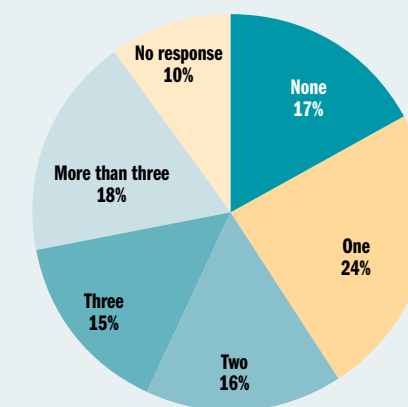


Figure 3.7.1: the number of projects implemented by NGOs as at 31st December, 2006

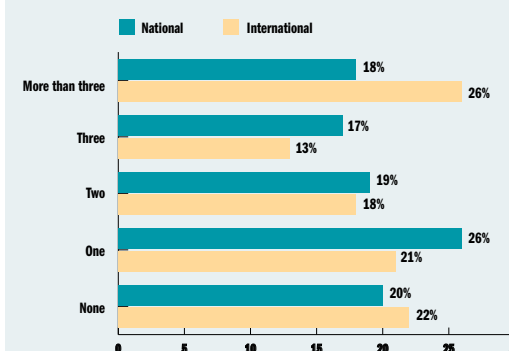


Figure 3.7.2: percentage of National and International NGOs that implemented projects as at 31st December, 2006

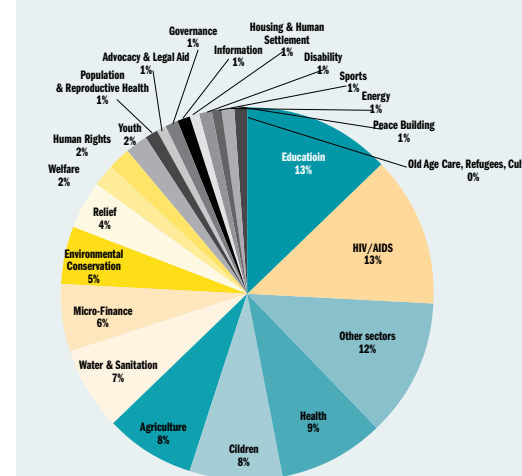


Figure 3.7.3: a pie chart top three projects implemented in terms of population reached

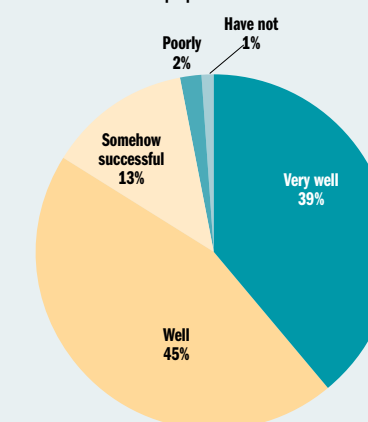


Figure 3.7.4: success in project

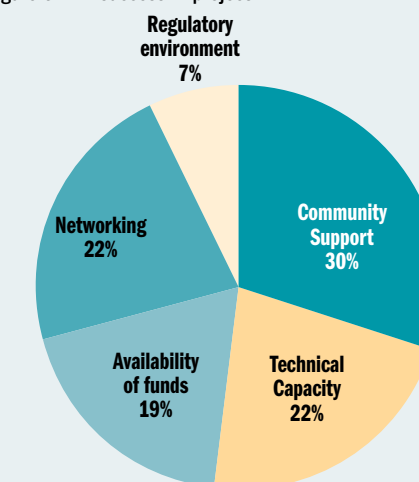


Figure 3.7.5: factors that contributed to success in projects

(28%), followed by Barclays Bank (21%), Co-operative Bank (16%), Standard and Chartered Bank (12%) and Equity Bank (8%) (See figure 4.0.2).

4.0.3 FILING DOCUMENTS FOR REGISTRATION

All organizations which fit the description of an NGO as defined in Part I of the NGOs Co-ordination Act of 1990 are required to seek registration as provided for in section 9(1) of the NGOs Co-ordination Regulations of 1992. A registration fee is charged for the service. According to data collected, they rated the service as follows: 29%, excellent, 46% Good, 18% Fair and 7% Poor.

4.0.4 FILE SEARCH

All registered NGOs have files which are in the custody of the Board. The files are public documents and under section 31 of NGOs Co-ordination Regulation of 1992, any person may during working hours and upon payment of a fee inspect the NGOs register and any other documents relating to any registered NGO. Most of the NGOs were satisfied with the service (78 percent), while 16 percent considered the service as fair and 6 percent as poor.

4.0.5 FILING OF COMPLAINTS

Members of the public, NGO staff or officials can lodge a complaint against any NGO which contravenes the Code of Conduct, the NGOs Co-ordination Act or any other law in Kenya. The Board receives and investigates complains regarding the management of NGOs. Issues that are criminal in nature are referred to the relevant arm of Government. Most of the NGOs were satisfied (62 percent) with the service, compared with 38 percent that were not.

4.0.6 LETTER OF CONFIRMATION OF REGISTRATION

Once an organization is registered as an NGO in accordance with the NGOs Co-ordination Act of 1990, the Board informs the NGO on the same. Among the NGOs that were interviewed, 23 percent indicated that the service was excellent, 54 percent Good, 15 percent Fair and 8 percent Poor.

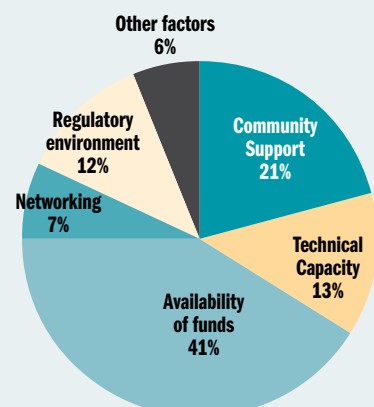


Figure 3.7.6: challenges faced in project

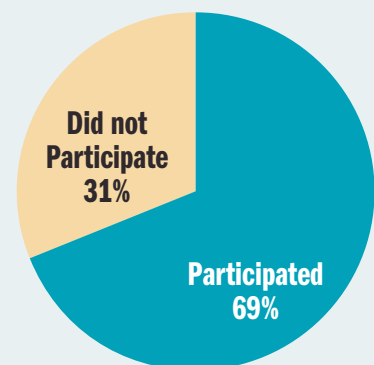


Figure 3.8(i): NGOs' participation in local development initiatives

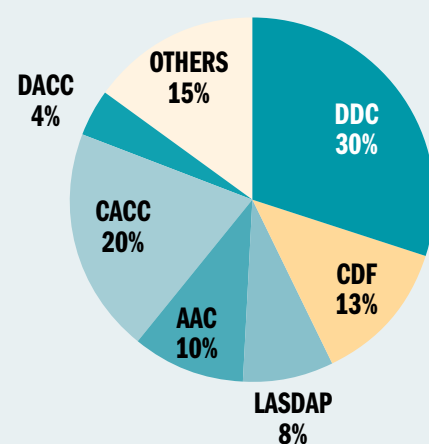


Figure 3.8(ii): a pie chart showing NGOs' participation in various local development initiatives

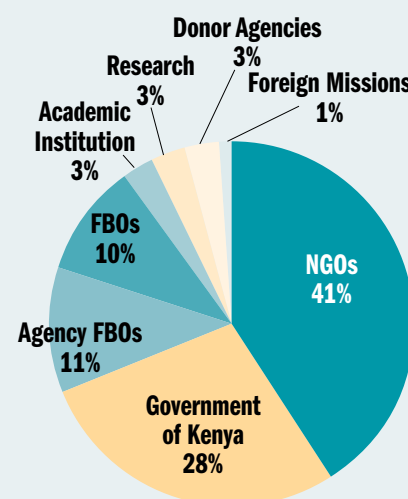


Figure 3.9 a pie chart on NGOs' collaborations with other organizations or agencies

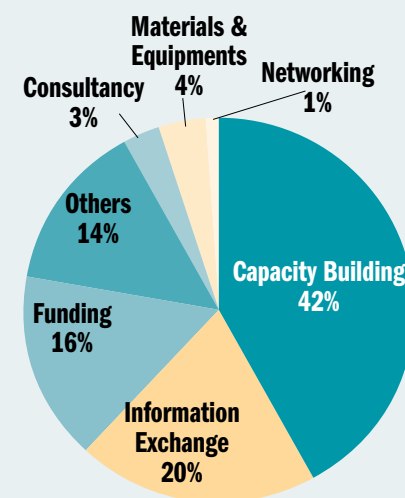


Figure 3.9.1: nature of collaboration

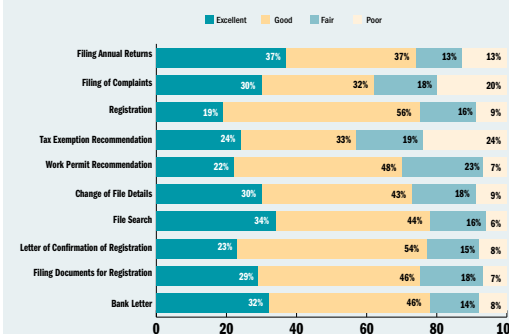


Figure 4.0: rating of Board services

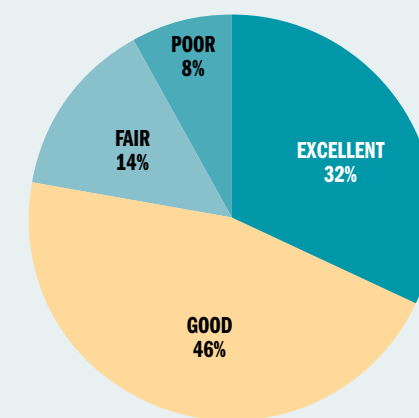


Figure 4.0.1: bank letter

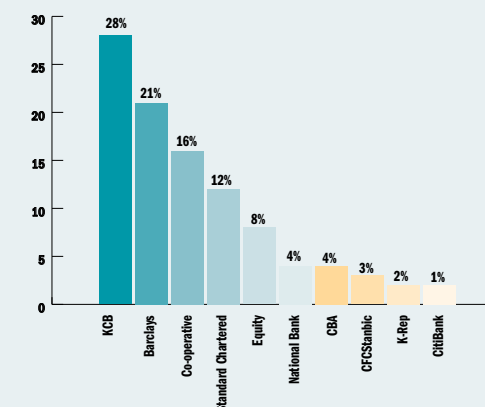


Figure 4.0.2: most preferred banks by NGOs

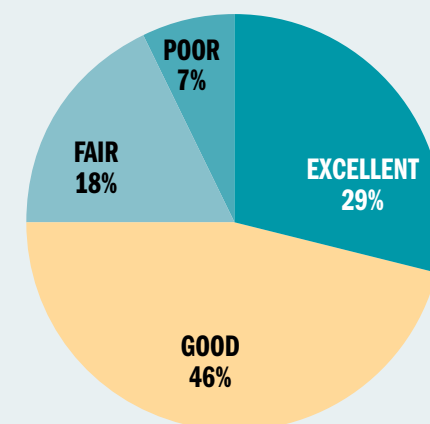


Figure 4.0.3: filing documents for registration

4.0.7 Tax Exemption Recommendation

NGOs seeking exemption from tax may apply through the Board for a letter of recommendation to the Ministry of Finance. Respondents rated the service as follows: Excellent, 24 percent; Good, 33 percent; Fair, 19 percent; and Poor, 24 percent.

4.0.8 Work permit Recommendation

As indicated earlier, all NGOs wishing to engage foreign or international staff are required to apply for letters of recommendation to the Immigration Department for the purpose of obtaining a work permit. The study findings indicated that 70 percent of NGOs were satisfied with the service while 23 percent indicated that it was fair and 7 percent rated it as poor.

4.0.9 What could be done to improve services at the Board?

This survey also sought suggestions from NGOs on how to improve the Board's service delivery. Some 37 percent of the respondents who gave their opinion suggested that the Board should improve communication with them, and 24 percent recommended decentralization of services to other regions. On the other hand, 15 percent wanted the time taken to serve them reduced; 13 percent suggested improvement in staff responsiveness; while 8 percent suggested a reduction in registration period. 3 percent of the respondents felt the fees for services offered at the Board should be reduced.

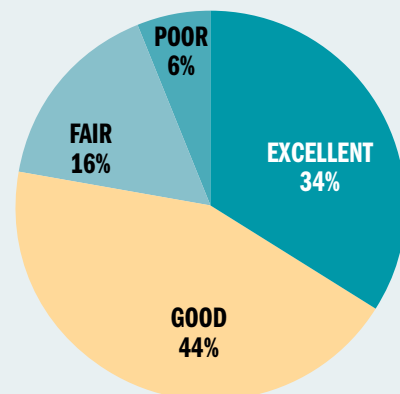


Figure 4.0.4: file search

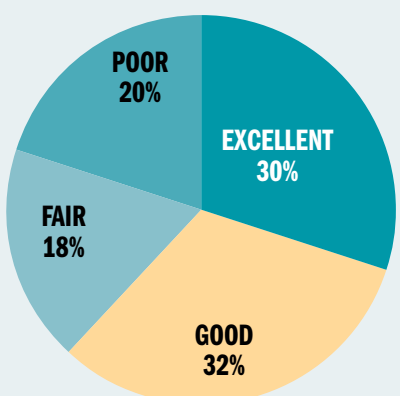


Figure 4.0.5: Filing of complaints

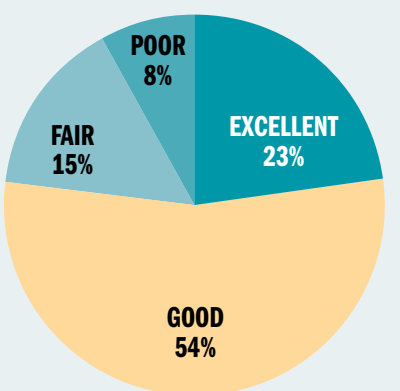


Figure 4.0.6: letter of confirmation of registration

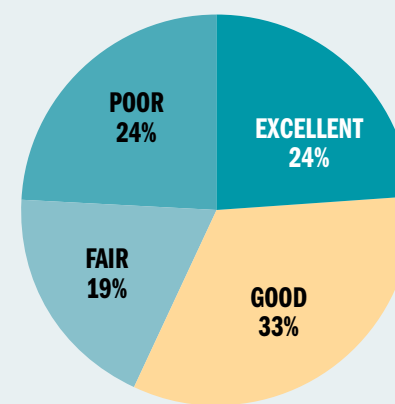


Figure 4.0.7: tax exemption recommendation

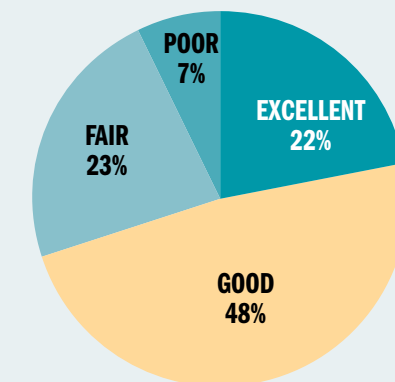


Figure 4.0.8: work permit recommendation

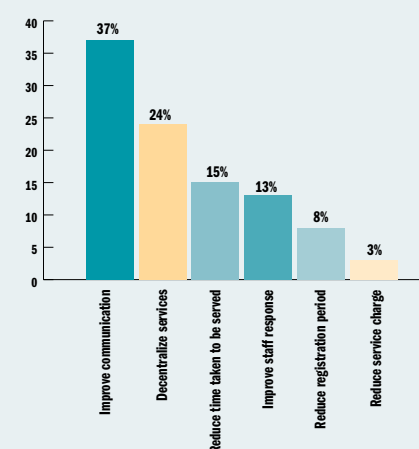


Figure 4.0.9: respondents' recommendations on how to improve service delivery

4

Chapter Four

A SUMMARY OF DISCUSSIONS WITH THE KEY INFORMANTS

Key informant interviews were conducted with the provincial administration and DDOs to explore their perception of the sector and establish the following:

- Familiarity with NGO operations in their respective districts
- Records of NGOs in the district
- The performance of NGOs in the district
- The factors that influence the performance of NGOs in the district
- The NGOs involvement in local development initiatives
- What could be done to improve the collaboration between NGOs and the Government

The issues that emerged from the interviews are summarised as follows:

NGOs' sustainability: Data gathered from the key informants showed that some NGOs mainly depended on the founder members or the chief executives for sustainability and their survival relied on individuals and not institutional systems, thereby affecting their performance.

Networking/collaborations: The importance of collaboration by NGOs with Government departments and other organizations in improving livelihoods in the community was noted. Community involvement in NGO activities was also identified as being critical in influencing their performance. However, lack of collaboration between some NGOs, Government and other stakeholders in planning and implementation of various projects was cited by the provincial administration and the DDOs. They also indicated that some NGOs only approached them when faced with problems.

Lack of transparency and accountability: Lack of transparency and accountability among NGO officials and cases of embezzlements of project funds were also cited. For instance, it was observed that some organizations employed relatives regardless of minimum qualification required in certain jobs thereby compromising professionalism in the management of NGOs. While some NGO officials used projects funds for personal gains at the expense of the beneficiaries.

Awareness of Sector's regulatory framework and NGOs' activities: Data collected revealed that most provincial administrators and DDOs were not aware of the Board's mandate and its role in regulating NGO activities. On the other hand, they had little knowledge of NGOs operating in their districts hence lack of awareness of the role NGOs play in the country's development.

Lack of structures to monitor and evaluate NGO activities at the district level: It was also observed that there were no structures at the district level to monitor and evaluate NGO activities at the grass-roots. Generally, they felt that the Board needs to strengthen monitoring and evaluation of NGOs so as to make them more accountable on how they use donor funds.

Duplication of activities by NGOs: They noted that most of the NGOs were engaged in similar activities, hence the need to advise them on deserving and underserved sectors and regions. They also indicated that some NGOs changed their programmatic activities based on perceived availability of funding despite insufficient technical capacity to implement such projects.

5

Chapter Five

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

The overarching aim of this study was to validate existing data on organisations registered under the Act. The study established that 82% of organisations registered with the NGOs Board were either inactive or had ceased to exist. Additionally, 3% of NGOs that were interviewed did not have offices as required by the law. There is also a possibility that some organisations could have provided false information about their physical address or changed the same without informing the Board, thereby making it difficult to track them. It is recommended that the Board gives all the organisations that could not be traced notice to prove that they exist as provide for under section 18 of the Act.

On the other hand, some NGOs did not wish to be interviewed while others declined to provide some information (mostly financial). In some instances, some NGOs made it especially difficult for the interviewers giving them appointments which they did not keep. It was particularly disturbing that these happened despite the Board having publicised the survey in advance, and followed up by contacting each organisation to book an appointment in advance. It is notable that a number of the organisations that were uncooperative were international NGOs. In addition, it would appear that even during the study, a number of NGOs did not provide accurate information on the actual number of paid staff they had.

Further, the survey established that 88% of NGOs had not conducted elections as required by their constitution in the one year preceding the study. This implies widespread disregard for the basic precepts of good governance. The failure to hold elections further, denied these organisations the necessary infusion of new ideas brought about by regular renewal of its leadership. It also goes to confirm the often

quoted problem of the “founder syndrome” that has been noted as a major hindrance to the growth of NGOs. It would appear then, that the transparency and accountability challenges evident in the sector can to a large extent be attributed to the failure to embrace internal democracy and the core principles that relate to good governance. .

5.2 Recommendations

5.2.1 Board's mandate

It is evident that some organisations did not provide the correct information during the study. The survey for instance pointed to an inordinate large number of “volunteer” staff which is not consistent with the total amounts spent on personnel costs. The foregoing raises two fundamental issues; firstly, that these organisations have difficulties in opening themselves up for scrutiny despite the fact that the Act and the code of conduct requires them to be accountable to their multiple stakeholders, including the Government. Secondly, it exposed the fact that the Board lacks adequate powers to compel NGOs to open themselves up for public scrutiny. It is proposed that the Board be given authority to compel NGOs to provide information where appropriate, on their activities. This would make the Board effective in its role of ensuring NGOs provide a public benefit and pursue only the objectives for which they have been registered.

5.2.2 Proportionate and Risk based approach

The study exposed the disparate nature of the sector in terms of type of activities, access to resources such as staff, finances and basic infrastructure. This diversity implies that the uniform approach used by the Board in its regulation of the sector needs to be reviewed since it places an unbearable regulatory burden on the smaller organisations while in some instances demanding relatively little of the more endowed larger organisations. It is imperative that the Board adopts a proportionate approach in its regulation to ensure that it provides an enabling legal and regulatory environment for all NGOs. The heterogeneous nature of the sector also means that different organisations depending on size and nature of their activities pose different levels of risk. This will require that the Board develops a risk analysis framework that recognises the foregoing factors to ensure effective and efficient regulation

5.2.3 Legal and Regulatory Framework (Review of the Act).

The study has demonstrated that NGOs are making an immense contribution to Kenya's GDP. A total of **KES 68 Billion** was spent in various projects across the country. Clearly, this is a sector that needs to be effectively regulated and enabled to thrive. The Act does not provide for adequate regulatory and legal provisions for the enablement and regulation of the sector. It is, therefore, imperative that adequate investment be made in ensuring an appropriate legislative and regulatory environment. This requires that sufficient resources and capacity be provided to enable the review of the NGOs Coordination Act of 1990.

5.2.4 NGO sustainability and relations with the Government

The dependency on external funding by NGOs as evidenced by the survey is worrying and seems to imply that the sector is largely unsustainable. This is further confirmed by the fact that only 12% of the organisations had capital assets such as land and buildings. None of the organisations interviewed indicated they drew an income from endowments. It is important that partnerships be engaged in by the government, the corporate sector, donors and civil society to come up with innovative ways of promoting local giving to charity. Local organisations could also be assisted to set up endowments. More positively, the survey noted that KES 118 Million of funding for NGOs was from government agencies. This provides a firm basis for improved partnerships and engagements between government and NGOs.

5.2.5 Compliance and decentralisation of Board's services

It is apparent from the survey, that a sizeable number of NGO practitioners are either ignorant of their legal obligations or choose not to comply. From the survey, 22% of respondents said they were not aware of the requirement to submit annual returns. It is proposed that the Board be supported to enhance its guidance to NGOs through the development of relevant materials and outreach services. Further, it is important that the Board be capacitated to decentralise its services to ensure increased engagements with NGOs. This is intended to improve compliance. This will require increased resources for the Board.

APPENDICES

- I) CITED LAWS AFFECTING NGOS IN KENYA
 1. NGO Co-ordination Act, 1990, _Kenya
 2. NGOs Regulations, 1992, _ Kenya
 3. Children's Act of, 2001, _Kenya
 4. Children's Regulations, 2006, _ Kenya
 5. Microfinance Act, 2006_ Kenya
- II) KEY INFORMANT INTERVIEW GUIDE
 1. Are you familiar with the NGOs' operations in their respective districts?
 2. Do you have records of NGOs in the district?
 3. How would rate the performance of NGOs in the district?
 4. What are some of the factors that influence the performance of NGOs in the district?
 5. Are NGOs involved in local development initiatives
 6. What can be done to improve the collaboration between NGOs and the Government
- III) QUESTIONNAIRE

THE SURVEY TEAM: ROLES AND RESPONSIBILITIES

National Coordinator/Former Executive Director

1. Provided overall oversight monitoring and evaluation of the survey process
2. Ensured adequate resources for the conduct of the exercise
3. Liaised with the government and other institutions and stakeholders nationally to facilitate the success of the exercise
4. Advised the government on the progress of the exercise
5. Received progress reports from the Technical Coordinator and provided feedback and advice

Technical Coordinator

1. Coordinated, designed, monitored and managed the survey process including data management and report writing
2. Liaised with the Provincial Administration and relevant institutions to ensure the success of the study
3. Coordinated induction for the Supervisors and Enumerators
4. Ensured that appropriate data collection tools and equipment were available for the conduct of the survey
5. Led the development of an implementation plan for the survey exercise, monitored its implementation and ensured adherence to specified time frames
6. Ensured adequate logistical support for the implementation of the survey
7. Provided a framework for ensuring proper data management
8. Supervised and provided technical support to the Regional Coordinators and the survey exercise at large

Data Management Supervisor/ICT Officer

1. Coordinated and monitored pre and post survey data entry
2. Monitored data quality
3. Supervised data entry clerks
4. Provided technical support to the Data Entry Clerks and the overall survey exercise
5. Ensured adequate questionnaires for the field exercise

Regional Coordinators

1. Organized, coordinated and monitored the collection of data at regional level
2. Developed an implementation plan and report on a regular basis on its implementation
3. Supervised the Supervisors at district level
4. Ensured that data collected were of the required quality
5. Organised and conducted awareness workshops at regional level for NGOs
6. Made necessary logistical arrangements for the successful conduct of the survey at regional and district level
7. Liaised with the Provincial Administration and other relevant institutions to ensure the success of the study
8. Liaised with the TC and the Logistician to secure maps for all the districts and provided the same to the Supervisors
9. Provided regular feedback including reports to the TECHNICAL COORDINATOR on the survey
10. Ensured availability of resources at district level to carry out the survey

Supervisors

1. Organized, coordinated and monitored the collection of data at district level
2. Ensured that data collected were of the relevant quality by checking on a daily basis all questionnaires brought in by the enumerators
3. Provided technical support to the enumerators
4. Made necessary logistical arrangements for the successful conduct of the survey at district level including availability of questionnaires and transport
5. Liaised with the Provincial Administration and other relevant institutions to ensure the success of the study
6. Provided regular feedback including reports to the Regional Coordinator on the survey
7. Secured data collected

Enumerators

- Carried out duties as assigned by the Supervisors.
- Followed the established work schedule.
- Verified whether or not materials delivered to the Supervisor were complete and ensured their appropriate maintenance.
- Revisited NGOs if responsible persons were not found or because the interview could not be carried out.
- Made verifications and repeated interviews as required.

Finance Coordinator And Logistician

- Coordinated logistical support to the exercise
- Ensured there was an implementation plan for delivering logistical and administrative support to the survey and monitored its implementation
- Deployed staff to provide logistical and administrative support(ensured Secretarial and Registry staff were available to provide support to the field exercise)
- Ensured availability of finances, materials and transport for the field exercise
- Supervised the establishment of a call centre to receive and respond to enquiries from the field
- Exercised oversight on the budget
- Established all requirements for goods and services for the survey exercises and made a timely procurement of the same
- Made arrangements for the delivery of goods to the office or field as appropriate
- Made arrangements to exercise adequate control and safety of organizational property and assets used in the exercise

Communications Coordinators

- Developed an overall communications strategy for the validation exercise
- Planned activities to publicise the validation exercise
- Documented processes and events in the validation exercise used for publicity exercises for the Board
- Developed media packages and disseminated the same to appropriate media houses
- Provided overall guidance to enhance the Board's public image through the validation exercise
- Supervised and provided technical support to the call centre
- Inducted staff involved in the call in centre
- Developed communication package for contacting NGOs

Secretarial Coordinator

- Set up a call center to respond to field enquiries and provided information
- Called NGOs in liaison with the Data Management Coordinator to establish their physical address and other details and provided this information to the TC for transmission to the field survey team
- Coordinated the activities of a team of staff to receive and respond to calls
- Coordinated with the TC, Data Management Coordinator, Registry and other personnel to get information and relayed it appropriately

Registry Clerk

- Ensured availability of files for data entry
- Organized the registry to provide information required in the field in a timely manner

LIST OF SUPERVISORS

- | | |
|--------------------------------|----------------------------|
| 1 Ben Dolla | 17 Fanice Nyasuguta Ombega |
| 2 Josephine Moraa Begi | 18 Rogers Mong'are Ombachi |
| 3 Ahmed Athumani Mwinyi | 19 Zilpah Kwamboka |
| 4 Josephat Mainga | 20 Daniel Kamande |
| 5 Willis T. Nalwenge | 21 Enosh Bolo |
| 6 Romanus Mwaniki Maosa | 22 Lewis Nyaribo |
| 7 Zainab Ali | 23 Boniface Mutua |
| 8 Kihui Ricky Rugani | 24 Anunda Mandere |
| 9 Kylen Muiruki | 25 Ascar Sagini |
| 10 Jackline Munyoki | 26 Rebecca Ombete |
| 11 Ibrahim Matich Nyamboga | 27 Frida Nalienya |
| 12 Frank Nyaoma | 28 Eunice Adhiambo Aloo |
| 13 Osinyu Leonard T.Ole Sawoyo | 29 Betty Otunga |
| 14 James Okello Wagalla | 30 Yusuf Abdi Nunow |
| 15 Elizaphan O. Nuguti | 31 Irine Kamau |
| 16 George Otieno Kauma | |



NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION BOARD

National Survey of NGOs in Kenya

Data Collection Form

The Non-Governmental Organizations Board (Commonly referred to as the NGO Board) is a state corporation established by the Non-Organizations Co-ordination Act of 1990. Its main functions are to register, co-ordinate and regulate activities of all National and Internal NGOs registered in Kenya. It also advises the government on contributions made by NGOs in the development of the country and improving the quality of life of the Kenyan people.

The NGOs Co-ordination Board is mandated by law to keep an accurate register off all NGOs operating in the country, their contacts and activities.

Enumerator's Name: _____

Date of Interview: _____ **Sign:** _____

For official use

Supervisor's Comments: - _____

Name: _____ **District:** _____ **Sign:** _____ **Date:** _____

Regional Coordinator's Comments: - _____

Name: _____ **Region:** _____ **Sign:** _____ **Date:** _____

1) Name and Address of NGO

- a) Abbreviation _____
- b) Name _____
- c) Postal Address _____
- d) Physical Address _____
- e) Telephone _____
- f) Fax _____
- g) Cell Phone _____
- h) Email _____
- i) Website _____
- j) Do you have internet access? ☐ Yes ☐ No
- k) If yes, where do you access the Internet? ☐ In the Office ☐ In a Cyber Café
- l) Do you have a telephone line in the office? ☐ Yes ☐ No
- m) Status of Office ☐ Main Office ☐ Branch ☐ Regional
- n) If Branch, state Location of Main/Regional Office here in Kenya _____

2) What is your main objective? _____

3) Give your registration information regarding the following

- a) Certificate No. _____ b) Registration Date _____
- c) Certificate Displayed? ☐ Yes ☐ No
- d) Scope ☐ National ☐ International

4) a) In which sector(s) does this NGO operate? (Tick where appropriate)

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Energy | <input type="checkbox"/> Human Rights | <input type="checkbox"/> Refugees |
| <input type="checkbox"/> Children | <input type="checkbox"/> Informal Sector | <input type="checkbox"/> Information | <input type="checkbox"/> Relief |
| <input type="checkbox"/> Culture | <input type="checkbox"/> Governance | <input type="checkbox"/> Micro-Finance** | <input type="checkbox"/> Water & Sanitation |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Health | <input type="checkbox"/> Old Age Care | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Education | <input type="checkbox"/> HIV/AIDS | <input type="checkbox"/> Peace Building | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Advocacy & Legal Aid | <input type="checkbox"/> Environment & Conservation | <input type="checkbox"/> Housing & Human Settlement | <input type="checkbox"/> Population & Reproductive Health |
- Other (Specify) _____ ** b) Do you take deposits from members? ☐ Yes ☐ No

5) a) Do you operate children's home(s)? ☐ Yes ☐ No ☐ No

b) If yes, give name of district(s) and number of homes in each district _____

c) Were they approved by the Area Advisory Council? ☐ Yes ☐ No

6) In which district(s) are you currently operating?

7) Give Name and Address of your Contact Person

a) Name _____ b) Position _____ c) Sex _____
 d) Telephone _____ e) Cell Phone _____ f) Email _____

8) Provide the following information from your previous year's income and expenditure

a) Financial year ending _____
 b) In 2005/2006 how much money (in Kshs) was spent on: -
 i) Projects _____ ii) Administration _____
 iii) Personnel _____ iv) Other Costs _____
 v) Total expenditure _____
 vi) Audited Accounts due for last returns? ☐ Yes ☐ No
 vii) Audited accounts submitted? ☐ Yes ☐ No

9) Who/What were your source(s) of funds and Collaborators for the period 2005/2006?

a) Source(s) of funds Country Amount
 i) _____
 ii) _____
 iii) _____
 iv) _____
 v) _____
 vi) _____
 vii) _____
 viii) _____
 ix) _____
 x) _____

b) Collaborator(s)
Organization Name Organization Type Country Nature of Collaboration
 i) _____
 ii) _____
 iii) _____
 iv) _____
 v) _____
 vi) _____
 vii) _____
 viii) _____

10) List Bank(s) and respective Branch(es) where you operate your bank account(s)

Bank Branch Bank Letter Issued
 a) _____ ☐
 b) _____ ☐
 c) _____ ☐

11) List your assets as reported in your last annual inventory

Asset	Tax Exempted	Amount Exempted
a) _____	<input type="checkbox"/>	_____
b) _____	<input type="checkbox"/>	_____
c) _____	<input type="checkbox"/>	_____
d) _____	<input type="checkbox"/>	_____
e) _____	<input type="checkbox"/>	_____
f) _____	<input type="checkbox"/>	_____
g) _____	<input type="checkbox"/>	_____
h) _____	<input type="checkbox"/>	_____
i) _____	<input type="checkbox"/>	_____
j) _____	<input type="checkbox"/>	_____
k) _____	<input type="checkbox"/>	_____
l) _____	<input type="checkbox"/>	_____
m) _____	<input type="checkbox"/>	_____
n) _____	<input type="checkbox"/>	_____

12) Give number of members of staff (both paid and unpaid) and their nationality

	<u>Nationality</u>	<u>Number</u>	
		<u>Male</u>	<u>Female</u>
a) Paid Staff	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
b) Unpaid staff	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

13) How many work permit applications were recommended by the Board in the years given below? (by Sex and Country)

Country	New permits			Renewals		
	2006	2005	2004	2006	2005	2004
	M	F	M	F	M	F

14) Give the following information on elections for this NGO

a) Date of last election _____ b) Date of last AGM _____
 c) Regularity of Elections _____

15) Who are the top three officials of this NGO?

	Name	Position	Nationality	Male	Female
a)				<input type="checkbox"/>	<input type="checkbox"/>
b)				<input type="checkbox"/>	<input type="checkbox"/>
c)				<input type="checkbox"/>	<input type="checkbox"/>

16) Board mandate and services

a) Did you know of the existence of the Non-Governmental Organizations Co-ordination Board/Bureau (NGO Board) prior to this interview?

☐ Yes ☐ No

b) Were you aware of the requirement to submit annual returns?

☐ Yes ☐ No

c) If yes, Last returns submitted

d) Is there any difference between the Non-Governmental Organizations Co-ordination Board (NGO Board) and the National Council of NGOs (NGO Council)?

☐ Yes ☐ No

e) i) Are you familiar with the Non-Governmental Organizations Co-ordination Act (NGO Act) of 1990?

☐ Yes ☐ No

ii) If yes, do you consider it adequate in the enablement and regulation of the NGO sector?

☐ Yes ☐ No

iii) If No, which part(s)/section(s) do you think should be amended to enhance the enablement and regulation mechanism?

f) Are you familiar with the Non Governmental Organization Regulations and Code of Conduct?

☐ Yes ☐ No

g) i) Are you aware of the Sessional paper No. 1 of 2006 on Non-Governmental Organizations?

☐ Yes ☐ No

(ii) If Yes, how did you learn about it?

h) i) What three services did you last seek from the NGO Board? *(Tick where appropriate)*

- | | |
|--|---|
| <input type="checkbox"/> File Search | <input type="checkbox"/> Bank Letter |
| <input type="checkbox"/> Work Permit Recommendation | <input type="checkbox"/> Change of File Details |
| <input type="checkbox"/> Tax Exemption Recommendation | <input type="checkbox"/> Letter of Confirmation of Registration |
| <input type="checkbox"/> Filing Documents for Registration | <input type="checkbox"/> Filing of Complaints |

ii) How do you rate the way you were served at the Board on the three services?

Service: _____	<input type="checkbox"/> Excellent	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Service: _____	<input type="checkbox"/> Excellent	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Service: _____	<input type="checkbox"/> Excellent	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor

iii) What could be done to improve services at the Board?

17) a) How many projects are you implementing in this district?

(List projects under implementation as at 31st December 2006)

☐ None ☐ One ☐ Two ☐ Three ☐ More than three

b) List down the top three projects, in terms of population reached

i) Project One _____

ii) Project Two _____

iii) Project Three _____

c) i) Project One: _____ How well have you succeeded in carrying out this project?

☐ Very well ☐ Well ☐ Somehow ☐ Poorly ☐ Have not

ii) To what would you attribute your success in this project?

☐ Regulatory Environment ☐ Governance

☐ Finances ☐ Networking

☐ Technical Capacity ☐ Community

☐ Other (Specify) _____

iii) What are the biggest challenges you faced in the previous year in implementing this project?

☐ Regulatory Environment ☐ Governance

☐ Finances ☐ Networking

☐ Technical Capacity ☐ Community

☐ Other (Specify) _____

iv) Explain where applicable _____

d) i) Project Two: _____ How well have you succeeded in carrying out this project?

☐ Very well ☐ Well ☐ Somehow ☐ Poorly ☐ Have not

ii) To what would you attribute your success in this project?

☐ Regulatory Environment ☐ Governance

☐ Finances ☐ Networking

☐ Technical Capacity ☐ Community

☐ Other (Specify) _____

iii) What are the biggest challenges you faced in the previous year in implementing this project?

☐ Regulatory Environment ☐ Governance

☐ Finances ☐ Networking

☐ Technical Capacity ☐ Community

☐ Other (Specify) _____

iv) Explain where applicable _____

e) i) Project Three: _____ How well have you succeeded in carrying out this project?
☐ Very well ☐ Well ☐ Somehow ☐ Poorly ☐ Have not

ii) To what would you attribute your success in this project?
☐ Regulatory Environment ☐ Governance
☐ Finances ☐ Networking
☐ Technical Capacity ☐ Community
☐ Other (Specify) _____

iii) What are the biggest challenges you faced in the previous year in implementing this project?
☐ Regulatory Environment ☐ Governance
☐ Finances ☐ Networking
☐ Technical Capacity ☐ Community
☐ Other (Specify) _____

iv) Explain where applicable _____

18) a) Does this NGO participate in local development initiatives and committees?

☐ Yes ☐ No

b) If yes, tick where appropriate where this NGO participates

- ☐ District Development Committee (DDC)
- ☐ Constituency Development Fund (CDF)
- ☐ Local Authorities Service Delivery Action Plan (LASDAP)
- ☐ Area Advisory Council (AAC)
- ☐ Constituency AIDS Control Council (CACC)
- ☐ District Anti Corruption Committee (DACC)
- ☐ Other (Specify) _____

19) Respondent

a) Name _____ b) Position _____



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